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# IOWA JOURNAL OF HISTORY

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MILDRED THRONE

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# IOWA

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*Superintendent  
and Editor*

MILDRED THRONE  
*Associate  
Editor*

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## COVER

The State Capitol at Iowa City, where the Republican party of Iowa was organized on February 22, 1856. From N. Howe Parker, *Iowa As It Is in 1856: A Gazetteer for Citizens* . . . (Chicago, 1856).

## THE BIRTH OF THE REPUBLICAN PARTY IN IOWA, 1854-1856

*By David S. Sparks\**

When the great Senator from Illinois chose to throw all the power and prestige of his commanding position in the Senate, as well as using his remarkable talents as a political manager, behind a measure, the result was very nearly a foregone conclusion. Stephen A. Douglas had proved his power in the 1850 Compromise measures, and now in 1854 he was putting everything he had into the fight for his bill to organize the territories of Kansas and Nebraska. In the reasonable hope that the vexing question of slavery might be banished from national political discussions, Douglas bowed to Southern demands that his bill include a provision repealing the 1820 prohibition against slavery north of 36° 30' in the Louisiana Territory. When the Kansas-Nebraska Bill became law, the thirty-four-year-old barrier against the northward expansion of slavery had been destroyed. Northern reaction was instantaneous and violent. Douglas was burned in effigy. His Democratic party was stigmatized as the party of "slavocracy," and in one Northern state after another it looked as though the Democratic organization might join the moribund Whigs on the road to oblivion.

In Iowa the political calendar called for a gubernatorial campaign in 1854; the state thus became an early testing ground for the effect the Kansas-Nebraska Bill would have on Northern politics. The early reaction involved creating "Opposition" or "Coalition" organizations to challenge the vulnerable Democrats. Within two years, however, the transition phase had passed; "Opposition" and "Coalition" expedients had given way, and the Republican party had been born in Iowa.

The man who led both the revolt against the Nebraska Bill and the movement toward the new political organization in Iowa was James W. Grimes. Starting as the Whig (or "Opposition") candidate for governor in the 1854 race, Grimes gathered support from so many factions and splinter groups that he himself probably could not have said what political designation he deserved when he won the coveted office. But all his doubts had

\*David S. Sparks is assistant professor of history at the University of Maryland.



disappeared by 1855, for by then he was proudly calling himself the first Republican governor in the nation. Not yet forty years old when chosen by the "Whig" state convention to make the gubernatorial race, young Grimes was the embodiment of a new moral fervor that was permeating Iowa politics even before the Nebraska embroglio. He was a product of the New England puritanism that believed manners and morals frequently needed legislative correction.

In 1836, at the age of twenty, Grimes had left his home in Deering, New Hampshire, and migrated to Burlington, in what was then known as the Black Hawk Purchase. By 1838 he had been chosen as one of the representatives of Des Moines County in the First Legislative Assembly of the Territory of Iowa.<sup>1</sup> His first act in this new capacity was the introduction of a bill to prevent gambling; the bill became law in that session of the Assembly. In the same session Grimes presented a substitute bill for a proposed measure concerning divorce. He was also a strong temperance man and joined that movement as it spread throughout the state. Obviously, from the very beginning of his legislative career, James W. Grimes was interested in ordering the manners and morals of a people through legislation.<sup>2</sup>

Of even greater importance in the young Grimes's political advancement was his interest in railroads. He was displaying a promoter's enthusiasm for the subject as early as 1838. By the beginning of 1851 he wrote to his father, describing the great railroad and plank road fever then raging in Iowa and his own part in the story. In the same year he became a director of the Peoria & Oquawka Railroad which was to have its western terminus on the Mississippi River opposite the town of Burlington. In the 1851-1852 session of the Iowa General Assembly, Grimes's primary activity as a legislator was in furthering railroad interests. In a letter to his wife from Iowa City, December 18, 1851, he proudly reported: "I have succeeded in the principal object for which I came here, viz., upon the subject of railroads, and I am told, have elevated the character of your husband as a tactician and parliamentary leader."<sup>3</sup>

<sup>1</sup> William Salter, *The Life of James W. Grimes* . . . (New York, 1876), 18.

<sup>2</sup> *Ibid.*, 18; Keokuk Register, Apr. 20, 1848; Fred B. Lewellen, "Political Ideas of James W. Grimes," *IOWA JOURNAL OF HISTORY AND POLITICS*, 42:341 (October, 1944).

<sup>3</sup> Salter, *Grimes*, 27, 30, 32. In 1838 Grimes introduced a motion ordering the Committee of Corporations to prepare a memorial to Congress asking for a land grant for a railroad in Iowa. *Ibid.*, 348.

Throughout his early political career Grimes was a confirmed Whig, having achieved considerable prominence in the local party long before 1854. In 1848 the Whig state convention had selected him and Ralph P. Lowe as delegates-at-large to the national Whig convention.<sup>4</sup> At this convention Grimes's early preference for John McLean marked him as a conservative, although he was quick to join the Taylor band wagon when it began to roll, a change befitting a good Western Whig.

But by 1854 the conservative Grimes of 1848 had become a radical. The reasons for his conversion from conservative to radical Whiggism are difficult to pin down. His biographer and intimate friend, William Salter, speaks of Grimes's indignation at the passage of the Fugitive Slave Law, while Grimes himself repeatedly emphasized the importance of the Nebraska Bill.<sup>5</sup> To credit his conversion to political ambition merely begs the question of why the path to success appeared to run along radical Whig lines. Grimes's advocacy of homestead legislation, plus his opposition to nativism, probably contributed in no small measure to his change to radicalism.

The small Free Soil element in Iowa was certainly a factor in Grimes's conversion. This group, meeting as the Free Democracy of Iowa early in February, 1854, nominated a full ticket headed by Simeon Waters for governor and George Shedd for superintendent of public instruction.<sup>6</sup> Their platform contained the usual Free Soil planks with the addition of a specific anti-Nebraska protest. It began to appear that the Free Democracy of Iowa might win a balance of power in the state if it could consolidate antislavery Whigs and Democrats on a simple anti-Nebraska stand. And, in large measure, the story of the campaign of 1854 in Iowa was the successful consolidation of all kinds of anti-Nebraska feeling into the "Opposition" or "Coalition" party.

The Whig or Opposition convention, which convened in Iowa City on February 22, 1854, was only nominally a Whig gathering. The convention date had been chosen in a conscious effort to emphasize union and nationalism. Since the "Silver Gray" or conservative Whig element was barely

<sup>4</sup> Keokuk *Des Moines Valley Whig*, Jan. 21, 1848.

<sup>5</sup> Salter, *Grimes*, 26; "Address to the People of Iowa," Burlington, April 8, 1854, quoted in *ibid.*, 34-50.

<sup>6</sup> Muscatine *Iowa Democratic Enquirer*, Feb. 7, 1854. The remainder of the ticket included J. W. Cattell, secretary of state; Levi Jenkins, auditor; and J. J. McMaken, treasurer.

represented in the convention, the belligerent antislavery wing of the party was in full control from the beginning. After choosing Grimes to head the ticket, the convention endorsed Shedd for superintendent of public instruction and named the Free Soil gubernatorial nominee, Waters, for secretary of state. The lesser nominations went to Andrew J. Stevens of Polk County, auditor; Eliphalet Price of Clayton County, treasurer; and James W. Sennett of Scott County, attorney-general.<sup>7</sup> The choice of Shedd, in particular, revealed the extent of coalition in the Opposition. Shedd had been a Free Soil candidate for Congress from the First District in 1850; in the presidential election of 1852 he had received 1,612 votes as a presidential elector on the Hale ticket; in 1853 he was described as a "veteran abolitionist" at the Free Democratic convention of that year.<sup>8</sup> With Grimes heading the Opposition ticket, it was apparent that the conservative wing of the Whig party had received only scraps from the table.

Only a few traditional Whig planks found their way into the Opposition platform, which was even more radical than the nominations.<sup>9</sup> The paramount importance of the Nebraska controversy was evident in the references to it in the second and third planks, where the Opposition pledged itself "to recognize the binding force and obligation of the Act of Congress of 1820, known as the Missouri Compromise," and to "view the same as a compact between the North and South, mutually binding, obligatory, and as a *final* settlement of the question of slavery within the geographical limits to which it applies."

The convention found in Stephen A. Douglas the evil genius of the hour. After "most unqualifiedly and emphatically" disapproving of the "efforts now being made in Congress to legislate slavery into the free Territory of Nebraska," they accused Douglas "and his aides and abettors" of "pretense" in mentioning "that 'the eighth section of the Missouri Compromise is suppressed by the acts of 1850.'" Douglas' action was "conceived in bad faith and prompted by an ignoble and most unworthy ambition for party and personal political preferment." There was a striking similarity between this declaration and the impassioned "Appeal of the Independent Democrats," issued by congressional Free Soilers just a few weeks earlier.

<sup>7</sup> Herbert S. Fairall, *Manual of Iowa Politics* . . . (Iowa City, 1884), 37.

<sup>8</sup> Muscatine *Iowa Democratic Enquirer*, Oct. 5, 1850; Fairall, *Manual*, 14; Theodore Smith, *The Liberty and Free Soil Parties in the Northwest* (New York, 1897), 260.

<sup>9</sup> See Fairall, *Manual*, 37-8, for entire platform.

The traditional Whig program was contained in a series of planks dealing with state and local issues, among them a demand for internal improvements at federal expense, a request for an amendment to the state constitution to permit an increase in the debt limit allowed for internal improvements, and a declaration calling for the repeal of the constitutional prohibition of banks within the state.<sup>10</sup> The final section of the Opposition platform called for a law prohibiting the manufacture and sale of "ardent spirits."

The Opposition party of the First Congressional District chose Rufus L. B. Clarke as its candidate; that of the Second District chose James Thorington. Both district conventions adopted platforms identical to that of the state convention. Rufus Clarke, the lesser known of the two candidates, was a minor politician of Free Soil leanings. Born in Connecticut in 1817, he had migrated to Iowa during the winter of 1849-1850 and had begun to practice law in Henry County. Although cultured and possessed of a particularly keen legal mind, Clarke's reserve had prevented him from gaining any real popularity in a Western community. Never an outstanding power in Iowa politics, he did serve as a prominent member of the 1857 constitutional convention and later as a delegate to the Wigwam in 1860.<sup>11</sup>

On the other hand, James Thorington was an outstanding Whig. A resident of Davenport at the time of his nomination by the Second District convention, Thorington had been born and reared in Wilmington, North Carolina. After attending the University of Alabama at Tuscaloosa, Thorington briefly studied law in Montgomery and settled permanently in Davenport in 1839. His two terms as mayor of that city were followed by a county judgeship and a term as clerk of the district court of Scott County.<sup>12</sup> Through Thorington the Opposition hoped to capture the support of the strong Southern element in Iowa.

The Democrats of the state, badly split in 1854, were not alone in wres-

<sup>10</sup> Under the new constitution adopted in 1857, the debt limit was raised from \$100,000 to \$250,000. Banks were also permitted under the 1857 constitution. *Constitution of Iowa*, Art. 7, Sec. 2; Art. 8, Sec. 6.

<sup>11</sup> Edward H. Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa* (Des Moines, 1916), 672-3; Erik Eriksson, "The Framers of the Constitution of 1857," *IOWA JOURNAL OF HISTORY AND POLITICS*, 22:77 (January, 1924).

<sup>12</sup> *Biographical Directory of the American Congress, 1774-1949* (Washington, D. C., 1950), 1917.



ting with the problems of schism.<sup>13</sup> The Opposition almost at once began to show signs of strain. The adoption of a radical platform was too much for the "Silver Gray" Whigs, and with their departure from the fold the Opposition began to fall apart. The most influential Whig paper in the state, the Burlington *Hawk-Eye*, denounced Grimes as an abolitionist and opposed Simeon Waters on the rather thin ground that he had already been nominated for governor on the Free Democracy ticket.<sup>14</sup> The two Whig papers of Dubuque, the *Tribune* and the *Observer*, spent more time maligning each other than they did in fighting the Democrats. Even more serious signs of division appeared when Simeon Waters, Eliphalet Price, and George Shedd flatly refused to run at all.<sup>15</sup> The *Hawk-Eye* began to campaign for a new convention "to fill the vacancies." It was even possible that the old-line Whigs might control such a new convention and rescue it from the Free Soil-abolitionist "kidnapping." The opposition of the *Hawk-Eye* was finally silenced when it was purchased by Clark Dunham, who had become a staunch Grimes supporter as well as his personal friend.<sup>16</sup> But the mere silencing of the discordant elements of the party press would not win the election — something far more drastic was needed.

Relying upon his own shrewd judgment of the anti-Nebraska storm rolling over Iowa, and reinforced by his own convictions on the issue of slavery, Grimes resolved to make one more effort to win and hold the Free Soil vote, regardless of the cost in alienating old-line Whigs. Taking a projected statement of his political beliefs with him, he went down to Denmark in Lee County to seek definite abolitionist and Free Soil support.<sup>17</sup> In Denmark, Grimes talked to George F. Magoun and Rev. Asa Turner who, together, were the heart and soul of the Iowa abolitionist movement. Magoun and Turner agreed to endorse his candidacy openly.

<sup>13</sup> For the Democratic party in these years, see David S. Sparks, "The Decline of the Democratic Party in Iowa, 1850-1860," *IOWA JOURNAL OF HISTORY*, 53:1-30 (January, 1955).

<sup>14</sup> Charles E. Snyder, "Curtis Bates," *IOWA JOURNAL OF HISTORY AND POLITICS*, 44: 291-3 (July, 1946).

<sup>15</sup> Dubuque *Weekly Miner's Express*, July 19, 1854; Frank I. Herriott, "James W. Grimes Versus the Southrons," *Annals of Iowa* (third series), 15:325-7 (July, 1926).

<sup>16</sup> Muscatine *Tri-Weekly Journal*, Apr. 14, 1854. Clark Dunham was a Vermonter by birth. He spent his childhood in Licking County, Ohio, and from 1840 to 1854 he was editor of the *Gazette of Newark, Ohio*. See George Frazee, "Clark Dunham," *Annals of Iowa* (third series), 4:209-217 (October, 1899).

<sup>17</sup> Herriott, "James W. Grimes Versus the Southrons," 327-8.



True to their pledge, Magoun and Turner called a new convention of the Free Democracy to meet in Crawfordsville, Washington County, on March 28. The convention adjourned after passing two resolutions which sealed the bargain between Magoun, Turner, and Grimes:

That the great object to be secured by our suffrages is 1. Such State officers, and such a Legislature, and thereby such a Senator in the U. S. Congress, as will resist the extension of slavery, in any form, over the territory of the United States. 2. Such as will give the people of Iowa a Maine Law. Therefore . . . we recommend the Free Democracy to cast their votes for James W. Grimes, of Des Moines County, for Governor, because we believe, if elected, that he will maintain and carry out these principles.<sup>18</sup>

Since the Free Soilers, under the impetus of a presidential campaign, had polled over 1,500 votes in 1852, the pledge of their support was a considerable addition to Grimes's strength.

On April 8 Grimes published as his own political platform "An Address to the People of Iowa." The title was a conscious effort to invoke memories of the "Appeal of the Independent Democrats." The Address, widely printed throughout the state, was published in full in the *Ledger* of Fairfield, the *Keokuk Des Moines Valley Whig*, the *Ottumwa Courier*, and the *Muscatine Tri-Weekly Journal*. Parts of it also appeared in several other Iowa Whig papers. Outside of the state the Address was given particularly hearty approbation by Horace Greeley in his *New York Tribune*. According to Greeley, "It is a plain and manly appeal to the people. The views he advocates are so undeniably sound . . . that they could hardly fail to receive the endorsement of every citizen of the state."<sup>19</sup>

Grimes's Address was designed to drive home the wedge in the Democratic ranks, as well as to hold Whig support. He began his message with words calculated to win the old-line Whigs to his standard. His opening statement was a flat declaration that the judges of the state supreme court should be elected rather than appointed—a favorite Whig demand. He followed with an endorsement of the Whig desire for banks in Iowa. The constitutional prohibition of banks had left the state dependent upon the local and state banks of Illinois, Ohio, and Missouri, with consequent high interest rates. The growing business community had long been demanding a

<sup>18</sup> *Muscatine Tri-Weekly Journal*, Apr. 7, 1854.

<sup>19</sup> *New York Tribune*, May 10, 1854.

constitutional amendment, but the Democrats, full of fear of speculators and the evils of paper money, steadily resisted any effort at change. Old-line Whigs softened a bit after Grimes's Address.

Afraid of alienating crucial German voters, Grimes was forced to turn his back on his long temperance record and equivocate on the subject. He declared that he would neither veto a temperance measure nor a free liquor law.<sup>20</sup> Temperance, in short, was to be a matter for the legislature to determine.

Over and above the local questions of constitutional amendments and temperance were the national problems of internal improvements, homesteads, and Nebraska. It was upon these questions that Grimes outlined the common ground on which abolitionists, antislavery Whigs, antislavery Democrats, and even Know-Nothings might stand. In so doing, he anticipated most of the program and some of the specific arguments with which the Republicans achieved national power in 1860.

In the Address, Douglas was made to appear the betrayer of the sacred compromise and the tool of the slavocracy. Grimes pictured him as willing to sacrifice the Western businessman. Referring to the Douglas plan for tonnage duties, Grimes complained:

After draining the West to perfect the improvement of Eastern harbors, and while voting annually millions of dollars to build lighthouses and breakwaters, and to support a navy, all for the protection of Eastern commerce, the West is told that *her* commerce must languish unless she commits a *felo-de-se* by voluntary taxation. . . . It seems to me that a more absurd and preposterous project was never presented to Congress, and a more suicidal policy could not be adopted by the West.

Grimes continued to play upon the hopes of Western settlers, particularly on the hopes of the German immigrants to Iowa. Regarding the homestead idea as "beneficent" and "calculated to greatly advance the material interests of Iowa," Grimes deprecated any discrimination against foreigners. The full import of his appeal to the Germans on the issue can be understood only in reference to events then transpiring in Washington. There Western Congressmen, without reference to party, were proposing and supporting homestead legislation in every Congress. Iowa's Democratic

<sup>20</sup> Apparently the temperance issue was too hot to handle; Curtis Bates, the Democratic nominee, dodged the issue in exactly the same manner.

Senator Augustus Caesar Dodge was so assiduous in behalf of homesteads that the *Iowa Star* claimed for him the honor of being the "father and most untiring advocate of the Homestead bill in the Senate." And there is considerable evidence to substantiate such a claim.<sup>21</sup> Meanwhile, Representative Bernhart Henn, a Democrat, was holding up his end in the House. On December 15, 1853, he had introduced a homestead bill and had spent the rest of the session working diligently for its passage. The first section of the Henn bill opened with the provision:

That any person, who is the head of a family, and is a citizen of the United States [or anyone] who is the head of a family, and who has prior to the first day of December, 1853, declared his intention to become a citizen of the United States, shall be entitled to settle upon and locate free of cost, one hundred and sixty acres.

The German voters, already sensitive because of the rising undercurrent of nativism, were quick to see in such a restriction of benefits to those who had immigrated before the end of 1853 a definite antforeign prejudice. Grimes, unable to hit the Democrats on homesteads in general, was careful to concentrate his attack at the one spot in the whole controversy where the Democrats were most vulnerable.

Only after having carefully appealed to every major economic interest in the state did Grimes move on to his main contention that "the most important of all the questions now engrossing the public attention is the attempt to introduce slavery into the Territories of Nebraska and Kansas, by the repeal of the Missouri Compromise act." He dismissed the argument over the constitutionality of the Missouri Compromise as nothing but "an afterthought" devised by the South "to cover up discomfiture on other arguments." The Compromise was an "irrepealable law that settled the character of Nebraska as a free Territory" and "to the maintenance of that law the public faith was pledged."

But Douglas and the Democrats were the principal targets of the Address, and Grimes never let his Iowa readers forget it. "And to what does this doctrine of 'squatter sovereignty' tend if carried to its legitimate conclusions?" he asked. "What is to prevent the Legislature of Utah from declaring that no man shall enjoy the rights of citizenship in that Territory unless he becomes a member of and pays tithes to the Mormon church?"

<sup>21</sup> Des Moines *Iowa Star*, Jan. 22, 1854. For a typical entry see *Cong. Globe*, 33 Cong., 1 Sess., 1127-8, 1662.

Such a statement was obviously a well-calculated play upon the traditional Iowa prejudice against the Mormons. "What is to hinder the Catholics," Grimes continued, "from taking possession of New Mexico, the Methodists of Nebraska, and the Presbyterians of Kansas? Why cannot the first thousand settlers create a state religion in each Territory and exclude people of all other creeds from the rights of citizenship?" And finally, Grimes asked, "Where will be the remedy against such religious and political tyranny? . . . Revolution, revolution by the sword will be the only remedy."

With consummate skill, Grimes played upon the fears and prejudices of Iowans as a musician plays upon his instrument. "With a slave state on our Western border, I see nothing but trouble and darkness in the future," he wrote. "Bounded on two sides by slave States, we shall be intersected with underground railroads, and continually distracted by slave-hunts. . . . I sincerely believe that, should the Missouri Compromise be repealed, there will soon be a contest for the mastery between freedom and slavery on the soil of Iowa."

Fears for Iowa's economic dreams were not overlooked. "Shall populous, thriving villages and cities spring up all over the face of Nebraska," Grimes asked, "or shall unthrift and sparseness, stand-still and decay, ever characterize that State?" "Shall unpaid, unwilling toil, inspired by no hope and impelled by no affection, drag its weary, indolent limbs over that State, hurry the soil to barrenness and leaving the wilderness a wilderness still, or shall it be thrown open to the hardy and adventurous freemen of our own country, and to the constantly-increasing tide of foreign exiles?"

Thus Grimes, in his Address, sought to present the Opposition as the one hope for the enactment of the Northwestern economic program, as well as the only possessor of a platform upon which reasonable antislavery men could stand. By inference as well as by direct charge, Grimes maintained that the Democrats, controlled by a Southern and Eastern leadership, were unable to meet the needs of the Northwest and were soft toward an aggressive slavocracy. The Opposition platform of 1854 became, with hardly a change, the Republican platform of 1856.

Shortly after the Address was published, voters went to the Iowa polls to choose a new superintendent of public instruction. While the Opposition platform had called for a major overhaul in this office by means of a constitutional amendment, the Democrats had made no mention of the problem in their convention. On the other hand, the withdrawal of George



Shedd left the Opposition sponsoring a last-minute candidate. As a result, James D. Eads, the regular Democratic nominee, won easily in a large turnout.<sup>22</sup> The vote of 17,793 to 13,462 showed once again the traditional Democratic preponderance in Iowa as well as the magnitude of the job which the Opposition had cut out for itself.

James W. Grimes had been called home to New Hampshire shortly after his Address was published. Apparently the extent of the Democratic victory in the April election convinced him that an all-out campaign would be necessary for any possibility of success. Cutting short his visit, Grimes hurried back to Iowa.<sup>23</sup> As soon as he reached Burlington he did three things. First, he reiterated his previous platform, incorporating it in a firm reply to a broadside in the Washington (D. C.) *Daily Union*. Second, he made plans for an extensive speaking tour of the state, to cover every sizeable town between the Mississippi and Missouri rivers. And, finally, he offered to meet Curtis Bates, the Democratic gubernatorial candidate, at any or all of the places on his itinerary and debate with him the issues of the campaign.<sup>24</sup>

Very early in the ensuing canvass, Grimes began to feel some hope for the success of the Opposition. On April 3 he wrote a political lieutenant:

I can carry Des Moines County by a larger majority than any man ever got in it and so far as I can learn the chances are that I can be elected. What do you think, a democrat in this town and the representative of Gen'l Dodge in his absence admits that I can out run the party by 3,000 in the state but says that they can still beat me 1,000 votes for he claims that there is 4,000 democratic majority in the State.<sup>25</sup>

The ensuing campaign dealt with many issues — banking, temperance, internal improvements, the foreign vote — but there can be little doubt that the 1854 contest in Iowa was basically a contest over Nebraska and the repeal of the Missouri Compromise. Apparently the Opposition and Grimes had correctly estimated the public's reaction to the subject. By

<sup>22</sup> Dubuque *Daily Miner's Express*, May 17, 1854.

<sup>23</sup> Frank I. Herriott has disproved the commonly held theory that Grimes rushed home to reply to a certain article in the Washington (D. C.) *Daily Union* attacking him. Herriott, "James W. Grimes Versus the Southrons," 423.

<sup>24</sup> Washington (D. C.) *Daily Union*, Apr. 29, 1854; Herriott, "James W. Grimes Versus the Southrons," 404.

<sup>25</sup> Grimes to William Penn Clarke, Burlington, Apr. 3, 1854, *William Penn Clarke Papers* (Iowa State Dept. of History and Archives, Des Moines).

May 2 the citizens of Fayette County had forced Senator Dodge to submit to the Senate a petition against the Kansas-Nebraska Bill. Less than two weeks later, on May 12, the strongly Democratic Hollanders of Pella, Marion County, unanimously agreed to protest to Congress the passage of the bill. Senator George Wallace Jones felt the sting of the Opposition, too, being forced to introduce petitions from normally Democratic constituents protesting passage of the Nebraska Bill.<sup>26</sup>

By June, Grimes began to reap the harvest of the anti-Nebraska feeling. Mahaska County received him with open arms. Apparently his plank on slavery extension was gaining converts for his running mates as well as for himself. Democrats continued to be won over to anti-Nebraska principles. When he appeared for a scheduled speech in Mills County, Grimes was warned that the Southern backgrounds of this staunchly Democratic county would require some gentle treatment on the subjects of slavery and Nebraska. Despite this warning, Grimes proudly reported to his wife later that he had maintained the same principles on the Missouri as on the Mississippi and in every latitude of Iowa and had been warmly received.<sup>27</sup>

But when he returned to the eastern part of the state Grimes ran into a more determined opposition. He immediately sent out a call for aid from Salmon P. Chase, Joshua R. Giddings, and Elihu B. Washburne. Writing to Washburne from Wapello, Louisa County, on July 13, Grimes directed him to

Cause Mr. Chase to write a letter immediately to Col. John Runolds, Grandview, Louisa County, and Mr. Giddings to Dr. John M. Robertson, Columbus City, Iowa, and John M. Williams, of Port Louisa, in the same county urging them to rally to the Whig support. It is claimed in this county that Nebraska is not an issue — that it is not an issue between me & Bates & they are trying to get the free soilers to support Dodge men for the legislature. The prospects are cheering for a total overthrow of the Nebraskaites. In my canvass I make it the sole issue. When I started out I talked about amending the Constitution, but I have given up everything but this main issue. There is no time to lose in sending these letters.<sup>28</sup>

<sup>26</sup> *Cong. Globe*, 33 Cong., 1 Sess., Appendix, 773.

<sup>27</sup> Grimes to Mrs. Grimes, Oskaloosa, June 4, 18, 1854, *Salter, Grimes*, 51, 52; *Muscatine Tri-Weekly Journal*, June 14, 1854.

<sup>28</sup> Grimes to Elihu B. Washburne, Wapello, July 13, 1854, *Elihu B. Washburne Papers* (Library of Congress).

Thus, as the campaign progressed, Nebraska became more and more the major bone of contention. Elkader, in Clayton County, held an anti-Nebraska convention on July 15. After speeches by Timothy Davis and Reuben Noble had opened the proceedings, the convention passed a series of resolutions, all of which were unequivocal in their opposition to the "slave power." The convention vowed "that from this time forward we will make no concession to nor compromise with, the institution of slavery, but will demand . . . a restoration of the Missouri Compromise and a repeal of the Fugitive Slave Law."<sup>29</sup>

When election day came in August, the margin of victory for the Opposition was exceedingly narrow. In the gubernatorial race, James W. Grimes defeated Curtis Bates by a vote of 23,312 to 21,192.<sup>30</sup> In the crucial campaign for control of the state legislature (which would elect a United States Senator to succeed A. C. Dodge), the Opposition was again victorious. Although the Democrats retained control of the state Senate by a count of sixteen to fifteen, the Opposition party elected forty out of seventy Representatives. This gave them control of the House and a clear majority on the joint ballot to elect a Senator.<sup>31</sup> The Opposition divided the honors with the Democrats in the congressional contest: Democrat Augustus Hall defeated R. L. B. Clarke in the First District by a little more than 200 votes, thereby becoming the last Democrat to represent Iowa in Congress before the Civil War and for many years thereafter. In the Second District, Thorington dealt the Democratic candidate, retiring Governor Stephen Hempstead, a smashing defeat. In addition to the governorship, the Opposition captured the auditor's office, but the remainder of the executive offices went to the Democrats.<sup>32</sup>

In determining the causes for the Opposition victory, the first thing to be noted is the narrow margin of that conquest. Grimes won by a majority of 2,120 votes. A switch of 1,061 votes out of a total of 44,504 would have defeated him. Of the eight offices available in 1854, the Opposition garnered only three: governor, auditor, and Representative in Congress

<sup>29</sup> Realto E. Price (ed.), *History of Clayton County, Iowa* . . . (2 vols., Chicago, 1916), 1:97. Both Davis and Noble became staunch Republicans.

<sup>30</sup> Official vote in *Census of Iowa* . . . 1867 (Des Moines, 1867), 228-32.

<sup>31</sup> Dan E. Clark, *History of Senatorial Elections in Iowa* (Iowa City, 1912), 62-3.

<sup>32</sup> Fairall, *Manual*, 19. Louis Pelzer, "The History and Principles of the Democratic Party in Iowa, 1846-1857," *IOWA JOURNAL OF HISTORY AND POLITICS*, 7:210 (April, 1908).

from the Second District. But winning control of the General Assembly, which would name a new Senator, made the victory more important than the figures showed.

Of those issues affecting the outcome of the election, temperance was considered one of the major ones. Contemporary newspaper opinion agreed in according the whisky question a prominent place among the causes for the surprising blow dealt the Democrats. The Washington (D. C.) *Daily Union* declared that the Whigs had rallied on the temperance question with all their forces. Greeley's *Tribune* felt that the importance of the whisky issue in deciding the election should not be underestimated. The *Democratic Enquirer* of Muscatine maintained that "In many counties, Muscatine among the number, the democratic candidates for legislature, were known to be . . . or at least believed to be, strongly opposed to the passage of any prohibitory liquor law, and this fact ranged against the opposition of the Maine law men; and their force in this State is by no means inconsiderable."<sup>33</sup>

Further evidence of the decisive role played by the temperance question in some localities can easily be found in the vote for James Thorington in the Second District. Thorington had a long temperance record and maintained it throughout the campaign, this against the better judgment of Grimes. In the final tally, Thorington ran over 400 votes ahead of Grimes in the Second District and defeated his license law opponent by over 1,600 votes. In time Grimes himself came to believe that temperance was a more popular issue in Iowa than he had once thought. In the following April the temperance forces, with the backing of Grimes, succeeded in bringing a prohibitory liquor law to a vote and passage.<sup>34</sup>

Traditional sectional divisions within the state probably accounted for part of the Opposition victory. On a county basis, Grimes secured thirty-three counties,<sup>35</sup> while Bates won thirty-two. On a north-south divi-

<sup>33</sup> Washington (D. C.) *Daily Union*, Aug. 18, 1854; New York *Weekly Tribune*, Aug. 26, 1854; Muscatine *Iowa Democratic Enquirer*, Aug. 31, 1854.

<sup>34</sup> When plotted on maps, the picture of the dry vote shows a ready resemblance to the Grimes vote in 1854. Compare the 1854 gubernatorial results published in the *Oskaloosa Herald*, Dec. 22, 1854, with the vote on the prohibitory law, Apr. 2, 1855, as given in *Iowa Official Register*, 1889, 207-208.

<sup>35</sup> Grimes, in a letter to Salmon P. Chase, wrote: "The southern half of our State is strongly pro-slavery, but I think we will be able to carry a majority with us for free principles, and for a disconnection with slavery. The Whigs are just now learning that it does not hurt them to be called 'abolitionists, woolly-heads, etc.,' and, when



sion, Grimes was more popular in the northern than in the southern half of the state. There he carried fifteen counties, while Bates was successful in only ten. On the other hand, Bates carried twenty-two of the southern counties, while Grimes won in only eighteen. However, Grimes carried enough of the more populous counties to give him a majority of some 1,600 votes in the southern half of the state. Dividing the state on an east-west line, the Opposition strength lay in the eastern half of the state. The two candidates divided the ten Mississippi River counties between them on a five to five basis, but Grimes won twenty-six counties in the eastern half of the state, while Bates was successful in only fourteen. The position was reversed in the western half, where Bates captured eighteen counties while Grimes came through in only seven.<sup>36</sup> Thus the older and more settled portions of the state tended to vote with the Opposition, while the newly settled western counties remained Democratic.

A comparison of the county returns for presidential electors in 1852 and the county returns in the gubernatorial campaign of 1854 further shows that ten counties switched from the Democratic to the Opposition ranks in 1854, while only one county left the Whig camp for the Democratic column. Among those counties which changed allegiance at this time were the well-peopled counties of Van Buren, Jefferson, Muscatine, Johnson, Cedar, and Linn — all of them in the first three tiers west of the Mississippi River. The strong abolition counties, such as Washington and Henry, traditionally Whig, went for Grimes as part of the Denmark bargain or because Whig planks in the Opposition platform appealed to them. In spite of strenuous efforts, the Opposition could not bring about an overthrow of the Democrats in a few counties where the German vote was particularly heavy. Yet the Opposition did win in Scott, Muscatine, and Clay counties, as well as managing to win from 40 to 50 per cent of the votes in the river counties they did lose.<sup>37</sup>

Although there is considerable room for debate about the relative impor-

the great contest of 1856 comes on, they will be prepared for and callous to all such epithets. The north third of our State will be to Iowa, politically, what the Western Reserve is to the State of Ohio. No man can obtain the electoral vote in Iowa, in 1856, who was in favor of the repeal of the 'Fugitive Slave Law.' Such, at any rate, is my opinion at *this* time." Grimes to Chase, Burlington, Oct. 3, 1854, Salter, *Grimes*, 54.

<sup>36</sup> Compiled from official returns as presented in *Oskaloosa Herald*, Dec. 22, 1854.

<sup>37</sup> *Dubuque Miner's Express*, Dec. 15, 1852; *Oskaloosa Herald*, Dec. 22, 1854.

tance of temperance, sectional division, and minor issues in the outcome of the election, there can be no doubt about the decisive nature of the Nebraska question. Nebraska had promoted, as well as symbolized, the long standing divisions in the Democratic party. Men who had abandoned their Democratic loyalty because of the party's obvious inability to bring homesteads, internal improvements, or even banks to Iowa, had continued to vote the Democratic ticket because there was no ready alternative. Now the Opposition presented the alternative; the result could almost have been foreseen.

The Democratic editors of the Muscatine *Enquirer*, after noting that there had been issues of varying importance in the campaign, concluded that "The all absorbing question of interest was 'Nebraska,' and had it not been for *that* the democrats would have carried the State triumphantly, despite the other factions in the field and the other issues raised." But the *Enquirer* failed to account for the results in the southern part of the state. There, in the First District, Augustus Hall defeated Rufus L. B. Clarke by 200 votes. The pro-Nebraska Democratic newspaper of Keokuk stoutly maintained that Hall's election proved that the Nebraska issue was not the cause of the general Democratic defeat in Iowa.<sup>38</sup> But both the *Enquirer* and the *Dispatch* had temporarily overlooked the traditional sectional division within the state, making the Nebraska bill more palatable in the southern portion of the state than in the northern.

A minor factor in the Opposition victory was the part played by influential Free Soilers in Ohio and Illinois on behalf of Grimes's candidacy. The appeal to Washburne, asking for letters from Chase and Giddings, was undoubtedly representative of a fairly large correspondence between prominent Free Soilers and undecided voters in Iowa. Writing to Salmon P. Chase in 1858, Grimes reported

I have always regarded myself and the cause greatly indebted to you for your influence in my gubernatorial campaign, now four years ago. . . . Had we not succeeded in securing the old Free-Soil vote, which was done mainly through your influence . . . the General Assembly would have been against us, Mr. Dodge returned to the Senate, the State would probably have remained Democratic, and the succession of anti-Nebraska triumphs that

<sup>38</sup> Muscatine *Iowa Democratic Enquirer*, Aug. 31, 1854; Keokuk *Weekly Dispatch*, Sept. 13, 1854.

followed our election in the autumn of 1854 would probably have never occurred.<sup>39</sup>

A last factor of some importance in deciding the outcome of the 1854 election was a bad case of overconfidence on the part of the Democrats. A. C. Dodge's seat in the Senate was up for re-election in 1855. The new General Assembly, to be elected in 1854, would either re-elect Dodge or choose a successor. Under these circumstances, Dodge was as much a candidate as was Curtis Bates or Augustus Hall. And yet Dodge failed to return to Iowa and actively enter the campaign. Senator Jones also remained in Washington. Even Bates, ignoring the challenge tendered by Grimes to engage in joint debates during the campaign, failed to undertake the kind of intensive and extensive canvass which Grimes conducted.

The Opposition victory, slim as it was, gave the coalition considerable spoils, and no time was lost in distributing choice offices. Grimes appointed George G. Wright of Keosauqua, Norman W. Isbell of Marion, and William G. Woodward of Muscatine to the state supreme court. While there is no record that the appointments caused any serious disputes among the faithful, the difficulties which faced the coalition were foreshadowed in the inaugural address which Grimes delivered on December 9, 1854, as well as in the election of James Harlan to the United States Senate in January, 1855.

In his inaugural address, Grimes sought to soften his position on slavery. He reiterated his firm opposition to any extension of slavery, but denied any intention on the part of the free states of interfering with the internal affairs of the South. On the other hand, he maintained that the South had "forced upon the country an issue between free labor, political equality and manhood on the one hand; and . . . slave-labor, political degradation and wrong."<sup>40</sup>

At the same time that Grimes was seeking to quiet the fears of the old-line Whigs, he held firm to the radical Whig support through the election of James Harlan to the Senate. Harlan, known in Iowa political circles as a Whig, although he had stumped for James K. Polk in Indiana in 1844, was

<sup>39</sup> Grimes to Chase, Burlington, Feb. 20, 1858, Salter, *Grimes*, 116-17.

<sup>40</sup> The inaugural address is printed in full in Salter, *Grimes*, 55-63. Grimes was working closely with Free Soil elements in other states. On Oct. 3, 1854, he assured Chase that he was going to take the ground in his inaugural address which Chase had suggested in a previous letter to him. Grimes to Chase, Burlington, Oct. 3, 1854, *ibid.*, 54.

a marked man in frontier politics from the day he arrived in Iowa City in 1845, for he possessed a college degree. He had continued his interest in education, being elected superintendent of public instruction in 1847 as a Whig. Latin quotations, sprinkled liberally throughout his stump speeches, gave frontier opponents a field day with their constant references to "Professor" Harlan. After declining the Whig nomination for governor in 1850, Harlan spent the intervening years as president of Iowa Wesleyan University at Mount Pleasant.

Although the Opposition held a majority in the legislature, that did not mean that the various factions making up the party could agree on a candidate for the Senate. When Harlan was nominated by a caucus of anti-Nebraska Whigs, the Opposition had split wide open. The "Silver Gray" faction rallied around Ebenezer Cook, who was one of the original organizers of the Mississippi & Missouri Railroad and had been a Taylor man in 1848.<sup>41</sup> A third man receiving considerable notice in connection with the race for the Senate was Fitz Henry Warren, who had been a prominent Whig in the state since 1848. In his position as chairman of the Whig state central committee, treasurer of the national committee, and elector on the Taylor ticket in Iowa, he had been active in the campaign for Taylor. In return for his services he had been appointed Second Assistant Postmaster General. By 1854 Warren had acquired prominence as a banker in Burlington, as well as a permanent antipathy to James W. Grimes.<sup>42</sup>

The balloting for the senatorship continued in the General Assembly throughout December. The old-line Whigs gradually concentrated on Ebenezer Cook, and the Democrats indicated a preference for him over either Warren or Harlan. But by January 4, 1855, the Opposition leadership was in a position to overcome both the old-line Whigs and the dilatory tactics of the Democrats. On January 6 Harlan was elected at a joint convention of the House and as many Senators as would attend. The Democrats, by a party vote of sixteen to fifteen, had succeeded in adjourning the Senate in order to avoid going into joint session to elect a Senator, but

<sup>41</sup> Clark, *History of Senatorial Elections in Iowa*, 70; Jack T. Johnson, *Peter Anthony Dey* (Iowa City, 1939), 64; Keokuk Register, May 4, 1848.

<sup>42</sup> Muscatine *Iowa Democratic Enquirer*, Apr. 14, 1849; Dec. 4, 1854; Edward H. Stiles, "General Fitz Henry Warren," *Annals of Iowa* (third series), 6:481-7 (October, 1904); Fairall, *Manual*, 13; Keokuk Register, May 4, 1848; Clark, *History of Senatorial Elections in Iowa*, 63.



the Opposition went ahead, and Harlan received fifty-two votes, a majority of all those cast as well as a majority of the entire General Assembly.

Harlan's election in 1855 showed the full proportion of the split in Opposition ranks and led directly to the decision, on the part of Grimes and the Free Soilers, to form a new party free of all 'Silver Gray' elements. By the first week in April, 1855, Grimes was ready to begin the organization of the Republican party in Iowa. In the transition from Opposition to Republican, the Free Soil and anti-Nebraska men were aided by the Know-Nothing organization which suddenly mushroomed in Iowa.

The Know-Nothing interlude lasted from mid-1854 to late 1856. By October, 1854, the American party, as it preferred to be known, had acquired its own newspaper through the conversion of C. H. Wilson, editor of the *Muscatine Tri-Weekly Journal*. The *Keokuk Whig* displayed considerable sympathy for the cause but did not make a complete conversion to it.<sup>43</sup> Within a year the *Dubuque Daily Observer*, the *Ottumwa Des Moines Courier*, and the *Oskaloosa Herald* joined the ranks of the American party. The Know-Nothing movement acquired more strength in one year than antislavery had won in ten.

This new movement worried the Democrats. A. C. Dodge mentioned their fears in a speech to the Senate in July, 1854. Fully aware of its threat to Democratic primacy, he labeled the Know-Nothing movement as "miserable and contemptible."<sup>44</sup> The two main sources of Democratic strength in Iowa were the older Southern settlers and the immigrant elements in the river counties. The antiforeign prejudices of the Know-Nothings were highly popular in many of the southern counties and just as unpopular, of course, among the foreign elements settled along the river. Indeed, antiforeign sentiment bid fair to shatter completely the Democratic party which continued to be badly split. They tried to stifle the Know-Nothing movement before it drove the German vote into the arms of the eager Opposition. A Democratic convention of the Eighth Judicial District of Iowa, a district which comprised the counties of Jones, Clinton, Muscatine, Scott, Cedar, and Jackson—all with large German populations—passed only one resolution and that took a strong stand against any acceptance of Know-Nothing precepts. A similar meeting of the Muscatine

<sup>43</sup> *Muscatine Tri-Weekly Journal*, Oct. 25, Nov. 24, Dec. 4, 1854; *ibid.*, Jan. 8, March 5, May 30, 1855.

<sup>44</sup> *Cong. Globe*, 33 Cong., 1 Sess., 1778.

Democrats followed exactly the same course of action.<sup>45</sup> A Jefferson County Democratic convention provided a variation: as a preliminary to participation in the convention, each delegate was required to "rise in his place and give a pledge that he was a Democrat and had no sympathy with Know-Nothings."<sup>46</sup>

The first evidence that the Know-Nothing movement might hurt the Opposition as well as the Democrats came in February, 1855, when the Dubuque *Daily Observer*, a Grimes paper in 1854, went over to the Americans. By March the new organization was winning local elections when the mayor, treasurer, wharf-master, and two out of the three aldermen elected in Muscatine were American party men.<sup>47</sup> But Grimes continued undisturbed in his confidence that the breakup of the two old parties would ultimately benefit the Republican party he was working to organize. According to Grimes, the Know-Nothings would drive the foreign vote away from the Democrats, and the Opposition could probably count on at least half of the Know-Nothing strength in addition to winning most of the foreign vote.<sup>48</sup> A neat trick, if it could be done.

But the Know-Nothings themselves were attempting to broaden their base and submerge their one-idea party character in a wider organization. The Muscatine County convention of the Americans was full of the usual fulminations against Catholics and foreigners, but, in addition, the platform contained planks condemning the Missouri Compromise repeal and the "aggressions" of slavery in Kansas, and endorsing a prohibitory liquor law.<sup>49</sup>

Thus the political scene in Iowa at the close of 1855 presented the greatest variety of parties and factions that state had ever known or would know. The Opposition had virtually broken up into its component parts. Some members of the group were ready to follow Grimes into a new party—the Republican—if it should become a reality; others were active in the Know-Nothing movement. And while a good many old-line Whigs remained, they possessed neither organization nor a spirit of cohesion.

<sup>45</sup> Muscatine *Iowa Democratic Enquirer*, March 15, July 19, 1855.

<sup>46</sup> Charles J. Fulton, "Jefferson County Politics Before the Civil War," *Annals of Iowa* (third series), 11:437 (July, 1914).

<sup>47</sup> Dubuque *Daily Observer*, Feb. 27, 1855; Muscatine *Tri-Weekly Journal*, March 5, 1855.

<sup>48</sup> Grimes to Chase, Burlington, Apr. 8, May 12, 1855, Salter, *Grimes*, 68-70.

<sup>49</sup> Muscatine *Daily Journal*, July 21, 1855.

A decisive minority of Iowa voters was standing clear of any party. This group included those who stood on one-idea grounds, such as prohibition or abolition, and a larger percentage who were simply without a political roof and looking for a party which would best express their needs and desires. Any party that could organize a large portion of the splinter elements would easily be able to defeat the small hard core of Administration Democrats. The 1856 election in Iowa proved that it could be done again as it had been done in 1854. The major difference lay in the fact that in 1854 it had been done in a haphazard fashion, largely through the efforts of one man — James W. Grimes. In 1856, on the other hand, the victory grew out of a distinct, though as yet immature, party organization.

The need for this party organization was obvious. One man might be able to carry a single campaign, but continued success depended upon a thorough grass roots organization. Furthermore, national questions were coming to dominate local political discussions, and decisive action on such questions as slavery, the Pacific railroad, internal improvements, and homesteads demanded a party organized on an equivalent scale. And significantly more and more of the political spoils were controlled from Washington; the hunger for office would only be satisfied by national control.

In April, 1855, Grimes wrote to Salmon P. Chase concerning politics in general and asked: "What is going to be done in 1856? How are we to bring the antislavery forces into the field, and under whose standard?" Although he felt that "it is time to thoroughly organize the Republican party," for the time being the projected party advanced no further than the discussion stage. In Iowa, the public still knew Grimes only as the leader of the Opposition. Chase was not optimistic about the 1856 prospects of a Republican party in the national arena, and by July, Grimes had succumbed to his pessimism. As the year rolled on his fears did not lessen, but he began to feel sure that "there can be no difficulty in combining all the opposition to the Nebraska swindle in this State, and carrying it under the Republican banner."<sup>50</sup>

<sup>50</sup> Grimes to Chase, Burlington, Apr. 8, July 16, 1855, Salter, *Grimes*, 68-9, 75-6. His pessimism was confined to Illinois, Indiana, and Pennsylvania. "I am satisfied that there is a large majority of the people of [Illinois] opposed to the Administration, and to Douglas, but there will be very great difficulty if not an entire impossibility to unite them so as to insure their defeat. From what I hear such is the case, too, in Pennsylvania and Indiana. With these three States secured to us, the Republican cause would, I conceive, be certain of triumph next year in the presidential canvass. Can they be secured?" Grimes to Chase, Nov. 2, 1855, *ibid.*, 79.

While there is ample evidence of Grimes's Republicanism, there is almost none chronicling James Harlan's conversion to the idea of a new Republican party. Throughout 1855 Harlan wrote to a host of local politicians scattered the breadth of Iowa, but there is no indication that he felt the need for a new party organization. But Harlan's Free Soil proclivities were well known, and it is certain that he courted favor with the group which came to represent all Iowa Free Soil elements—the Republicans. While the exact time of his acceptance of the Republican label remains in doubt, he was completely identified with them in the campaign of 1856.<sup>51</sup>

Another valuable recruit to the embryonic Republican organization in Iowa was Samuel Jordan Kirkwood, who moved to Iowa City in 1855. Kirkwood, an outstanding Democrat of Mansfield, Ohio, had been born in Harford County, Maryland, where his father and brothers were slaveholders. At the age of twenty-two, Kirkwood had moved with his father to Ohio, where he made a name for himself as the prosecuting attorney of Richland County and as a member of the state constitutional convention of 1850-1851. In 1854 Kirkwood had left the Democratic party because of the Kansas-Nebraska Bill. While the bill was pending in Congress, he wrote a series of articles against it for a local newspaper. Just before he moved to Iowa, he was a candidate for the nomination to Congress from the Richland area on an anti-Nebraska ticket.<sup>52</sup>

Although Kirkwood had left the Democratic party in 1854, he did not find a new party to his liking until 1855. In September of that year he wrote a former Ohio neighbor that the Republican party in that state would have had his support if he had remained there. "I would not only vote for that ticket," he declared, "but I would stump it whenever I could find a stump to stand on, and a dozen voters to listen to me." Kansas was still the central factor guiding Kirkwood's political course. "In my opinion," he wrote, "the only way to save Kansas from the evils of slavery . . . is for the men of the North . . . without distinction of party—all men who are Democrats in fact, and not in name merely . . . to unite and say by their votes, this foul deed shall not be done."<sup>53</sup>

<sup>51</sup> Johnson Brigham, *James Harlan* (Iowa City, 1913), 91-2.

<sup>52</sup> Frank I. Herriott, *Iowa and Abraham Lincoln* . . . (Des Moines, 1911), 60, 79; Dan Elbert Clark, *Samuel Jordan Kirkwood* (Iowa City, 1917), 76-7.

<sup>53</sup> Printed in the Des Moines *Iowa Weekly Citizen*, Sept. 14, 1859, during Kirkwood's campaign for the governorship.



In Iowa, Grimes continued to grow more and more enthusiastic about the possibilities of success for a Republican party in 1856, in spite of expressions of doubt by Chase. "I am sanguine," he wrote to Chase, "that we shall organize a party that will carry the elections in most of the Northern States in 1856, and in all of them in 1860." The echoes of the Kansas conflict gave Grimes additional encouragement. He was soon convinced that "the outrages in Kansas have opened the eyes of the people to the *intent* with which the Missouri Compromise was repealed." As the churches, too, began to divide on the subject of slavery, Grimes saw "the right sentiment . . . firmer and more intense every day in this State."<sup>54</sup>

To Grimes there seemed to be no doubt that it was upon the subject of slavery in Kansas that the bedrock Republican doctrines were to be formed. Regarding the possibility of the candidacy of Chase for the Ohio governorship, Grimes hoped "that the men who would nominate you would be sure that the resolution should be orthodox upon the slavery question . . . that is the only subject connected with politics about which I care a farthing." Meanwhile, Grimes's thoughts turned to the German vote: "Cannot you in some way secure the German vote? We must in some way secure the German vote in the free States, and that class of citizens elsewhere will, in a great measure, follow the example of those in Ohio."<sup>55</sup>

While established politicians in Iowa were leading the transition from Opposition to Republican party organization, there were also signs of a grass roots movement in the same direction. A "transitional" group met in Jefferson County in July. A call, signed by more than a hundred citizens, had brought out a large gathering of people which called itself a "Peoples Republican Convention." Being essentially a conservative group, they rejected planks decrying the "Nebraska outrage" and the "assault upon the elective franchise of Kansas," while at the same time they declared that slavery must be confined to slave states; they also opposed the growing Know-Nothing party in Iowa.<sup>56</sup> Prominent in these proceedings was Caleb Baldwin, later elected as a Republican to the supreme court of Iowa.<sup>57</sup>

<sup>54</sup> Grimes replied to a Chase letter of April 13, 1855, with the words, "I have more hope than you have." Grimes to Chase, Burlington, May 12, 1855, Salter, *Grimes*, 70. Grimes to Mrs. Grimes, Burlington, June 17, 1855, *ibid.*, 72.

<sup>55</sup> Grimes to Chase, Burlington, July 16, 1855, *ibid.*, 75-6.

<sup>56</sup> Fulton, "Jefferson County Politics," 438-9.

<sup>57</sup> George G. Wright, "Chief Justice Caleb Baldwin," *Annals of Iowa* (third series), 1:209 (October, 1893).

The call for the first Republican state convention was issued January 3, 1856. By and large, the press reception of the call was a friendly one.<sup>58</sup> Most of the newspapers hoped that the convention would refrain from committing itself to specific candidates and confine itself to the single problem of organizing a party. The press generally agreed that the new party ought to concentrate its efforts on the single question of opposition to the extension of slavery and avoid all attempts to reconcile the differences of conflicting groups on other questions.

Some counties held conventions to choose delegates to the state meeting. In Muscatine County such a convention was led by a former Whig, a former Know-Nothing, and one of the former editors of the *Iowa Democratic Enquirer*—an anti-Nebraska organ. In Van Buren County, C. C. Nourse, the sole remaining official of the county Whig organization, issued the call for a local Republican convention and later became one of the four county delegates to the state convention.<sup>59</sup> In other counties delegates appointed themselves. The editor of the *Ottumwa Des Moines Courier* attended the state convention for the purpose of covering its proceedings but became a delegate and a loyal Republican.<sup>60</sup> In most cases the platforms of these small county meetings were cautious affairs—limited to condemnation of the aggressive slavocracy and approval of the doctrine that slavery was sectional in nature while only freedom was national.<sup>61</sup>

Winter and poor roads prevented many from making the trip to Iowa City for the state convention, but Johnson and the neighboring counties swelled the total with exceptionally large delegations. Johnson County sent 54 accredited delegates; Scott and Muscatine, 27; Jackson, 20; Dubuque, 15; Washington and Lee, 11; with the numbers decreasing in direct proportion to the distance of the locality from Iowa City. There was little or no attempt to check credentials; everyone was welcome.

The difficulties facing the convention began to multiply before it convened. The German voters of Muscatine held a protest meeting on the

<sup>58</sup> *Oskaloosa Herald*, Feb. 1, 1856; *Dubuque Daily Republican*, Feb. 7, 1856; *Muscatine Daily Journal*, Feb. 18, 1856.

<sup>59</sup> Charles C. Nourse, "Beginning Fifty Years of Practice at the Iowa Bar," *Annals of Iowa* (third series), 8:490-95 (October, 1908).

<sup>60</sup> *Ottumwa Des Moines Courier*, Feb. 21, 1856.

<sup>61</sup> Louis Pelzer, "The Origins and Organization of the Republican Party in Iowa," *IOWA JOURNAL OF HISTORY AND POLITICS*, 4:521-4 (October, 1906); *Muscatine Daily Journal*, Feb. 18, 1856.

night of February 21, where they charged that German-Americans had not been represented in the county Republican convention and therefore would not be represented in the state Republican convention. They further declared that they had "reason to believe that neither our opinions, nor our interest will be represented by the delegates already sent from this place." After appointing three delegates of their own, the group of Germans instructed these men to register a protest with the convention and to withdraw if the "Democratic Republican" platform was not kept free of "all the isms of the day—such as nativism, abolitionism, religious fanatacism, Maine Lawism, etc."<sup>62</sup> The convention had its work cut out for it: how were they to gain the support of the important foreign vote as well as all the other splinter elements without eliminating most of the same "isms" in the process?

Quite aware of the necessity for conciliatory tactics in any successful political party, the Republican convention met in the Capitol in Iowa City on February 22, 1856. It was an assembly containing the full rainbow of Iowa political sentiment, with the one exception of Administration Democrats. Anti-Nebraska Democrats, old-line Whigs, Free Soilers, abolitionists, temperance men, and Know-Nothings were present. Governor Grimes apparently felt that it did not behoove the chief executive to take a public part in the proceedings; but, although he was not officially connected with the convention, he certainly came nearer than any other man to guiding its work. William Penn Clarke was not present either, since he had gone to the preliminary Republican convention in Pittsburgh, but he kept in close touch with the events in Iowa City through his friend, Henry W. Lathrop.<sup>63</sup> Samuel J. Kirkwood took a seat in the back during most of the proceedings, in keeping with his recent arrival in the community, but he warmed to the movement before the convention was over. Loathe to declare himself an out-and-out Republican, he did make it quite clear that he stood for the principles which had inspired the convention. James Harlan stayed in Washington but sent a long letter which was read to the convention by

<sup>62</sup> Muscatine *Iowa Democratic Enquirer*, Feb. 28, 1856.

<sup>63</sup> Henry W. Lathrop was a prominent railroad man. He was one of the organizers of the Davenport & Iowa City Railroad (predecessor of the Mississippi & Missouri) in 1850. Also an outstanding Know-Nothing as late as December, 1855, he was a member of the state central committee of the American party which signed a call for an American party convention for March, 1856. *Muscatine Daily Journal*, Dec. 7, 1855.

Lathrop.<sup>64</sup> In this letter, which was mainly an exposition of the Republican creed, Harlan firmly announced his Republican affiliations.

The nominations made by the convention were the least important part of its work, since only minor state offices were up for election in 1856. (The governor held office for four years under the Iowa constitution then in force.) Recognizing only the usual geographic distribution of candidates for state offices, the group quickly named Elijah Sells of Muscatine for secretary of state, John Pattee of Bremer County for auditor, Martin L. Morris of Polk County for treasurer, and Samuel A. Rice of Mahaska County for attorney-general. In addition, Reuben Noble, Henry O'Connor, Daniel F. Miller, and William M. Stone were named presidential electors, and a slate of eight delegates and eight alternates selected for the national Republican convention.<sup>65</sup>

The convention's program was surprisingly harmonious in view of the discordant elements needing conciliation. Speaker after speaker renounced all former allegiance to the Democrats or Whigs and vowed to work only for the new party. Exceptions to the general accord came only when the convention turned to consideration of its platform. Here the general harmony disappeared over two issues: temperance and the naturalization law.

In the first instance, temperance men made a determined effort to put the convention on record in favor of the Maine Law or a similar prohibitory enactment.<sup>66</sup> In the second, the German-Americans continued their efforts to check Know-Nothing sentiment by asking the convention to go on record favoring the existing naturalization laws. The convention rejected their demand, however, on the grounds that it ought to confine itself to the single issue of slavery.<sup>67</sup> A combination of Know-Nothings and the German-Americans then sought to defeat the efforts of the temperance advocates. The platform finally produced by the convention successfully avoided the "isms" of the day. It was broad enough to satisfy all antislavery elements, and there was nothing in it to offend former Democrats, temper-

<sup>64</sup> John E. Briggs, *William Peters Hepburn* (Iowa City, 1919), 23, 29; Clark, *Kirkwood*, 89.

<sup>65</sup> Fairall, *Manual*, 40-41; Keokuk *Gate City*, Feb. 27, 1856.

<sup>66</sup> Josiah B. Grinnell, *Men and Events of Forty Years* (Boston, 1891), 118-19; B. F. Gue, "The Public Services of Hiram Price," *Annals of Iowa* (third series), 1:593-4 (January, 1895).

<sup>67</sup> Grimes favored the resolution, fearing the loss of German-American support. Grimes to Chase, Burlington, March 28, 1856, Salter, *Grimes*, 79-80.



ance men, Whigs, Know-Nothings, or abolitionists, although it did run into trouble with the German-American vote.

"Slavery is local and freedom, alone, is national" was the tenor of the platform. The "slave power" was taken to task for the repeal of the Missouri Compromise. Slavery in the states was a local institution, "beyond our reach and above our authority," declared the platform, but "we will oppose its spread and demand that all national territory shall be free."<sup>68</sup> The gathering declared that Republicanism was national and looked to the perpetuity of the Union, but there was no attempt to disguise the threatening tone of the declaration that the Republicans "will shrink from no conflict and shirk no responsibility on this issue." The influence of the traditional Democrats in the conclave appeared in the plank calling for a strict construction of the Constitution.

While there was nothing in the platform to offer positive offense, the obvious silence on the question of the naturalization laws disturbed the German-Americans. One of the leading Democratic papers maintained that John Bittman, a German delegate from Davenport, was refused an opportunity to speak to the convention. The *Muscatine Journal* reported that four days after the convention the editors of the German-American press in Iowa had repudiated the work of the convention. This repudiation was addressed to German-American voters and was signed by Theodore Guelich of the Davenport *Der Demokrat*, Louis Mader of the Burlington *Die Freie Presse*, and John Bittman of the Dubuque *Die Staats-Zeitung*. In this protest, the editors declared that they were not "satisfied with the position which the Republican Party of Iowa has assumed, because we consider it their duty to take issue not only on the endangered rights and interests of certain sections of the Union, but also on those of certain parts of its population."<sup>69</sup> Furthermore, the editors maintained that the candidates nominated by the convention were unacceptable and the party unworthy of the German-American support until such time as it had driven out the "impure elements" of nativists and prohibitionists.

In addition to its platform, the Republican convention appointed a committee to draw up an "Address to the People of Iowa" stating the reasons for a new political party and the program it hoped to advance. Apparently the "Address" was little more than a recital of the general principles of the

<sup>68</sup> Fairall, *Manual*, 40-41.

<sup>69</sup> *Muscatine Journal*, March 17, 1856.

new party.<sup>70</sup> The membership of the committee reflected the almost constant attempt to conciliate the splinter groups of the convention. The committee consisted of Josiah B. Grinnell of Poweshiek County, Henry W. Lathrop of Johnson, Alvin Saunders of Henry, J. B. Howell of Lee, W. M. Stone of Marion, Hiram Price of Scott, J. A. Parvin of Muscatine, L. A. Thomas of Dubuque, and Samuel J. Kirkwood of Johnson. Whigs were represented on the committee by Lathrop and Saunders; Democrats by Price, Parvin, and Kirkwood; abolitionists by Grinnell; and temperance men by both Grinnell and Price.<sup>71</sup>

Obviously the Republicans were right in making it their first concern to unite all possible splinter groups in their organization. But a union of so many divergent elements would require great and long labor, and the Republican leaders were fully aware that a vague platform and representative committees would only begin the work. Apparently the leaders agreed to confine the state platform to the one issue of the extension of slavery with the understanding that the rejected planks in regard to prohibition and naturalization would be put back in at the county ratification conventions.<sup>72</sup>

The Republican press now began to send up trial balloons. In March the Muscatine *Daily Journal* suggested a national ticket of John McLean of Ohio for President and Francis P. Blair for Vice President. But by April the editors of that paper had switched to John C. Fremont, and his name remained on their masthead until the election. Governor Grimes himself favored Fremont on the ground that a "new man" was needed against whom there would be no "old chronic prejudices." The Maquoketa *Excelsior* joined the Fremont ranks in April.<sup>73</sup> But for the most part, Iowa Repub-

<sup>70</sup> Grinnell claimed to have written the "Address" and received praise for his work from Salmon Chase "too flattering for the public eye." Grinnell, *Men and Events*, 118-19. The "Address" was printed in full in three issues of the Keokuk *Daily Gate City*, March 24, 25, 26, 1856, but did not receive wide circulation.

<sup>71</sup> Pelzer, "Origins and Organization of the Republican Party in Iowa," 525. Price had been a delegate to the Democratic convention of the Second Congressional District in 1850. Muscatine *Iowa Democratic Enquirer*, June 13, 1850. Kirkwood left the Democratic party in 1854. Clark, *Kirkwood*, 76. Parvin left the Democrats just before coming to the convention. Grinnell, *Men and Events*, 118; Gue, "Public Services of Hiram Price," 587-91.

<sup>72</sup> Muscatine *Iowa Democratic Enquirer*, Feb. 28, 1856. An example of this strategy appeared in Jefferson County. There the ratification meeting approved the state platform, but added a plank opposing the extension of the time required for naturalization. Fulton, "Jefferson County Politics," 440.

<sup>73</sup> Muscatine *Daily Journal*, March 4, Apr. 16, 19, 1856; Grimes to William Penn Clarke, Burlington, Apr. 3, 1856, *Clarke Papers*.



licans adopted a wait-and-see attitude toward all candidates and concentrated their attentions on local organizations.

Meanwhile, the Know-Nothings appeared to be ready for fusion with the Republicans. The victory of the Southern Know-Nothings in the futile American convention in Philadelphia on February 21-22 drove the Iowa delegates into joining the general Northern bolt. This action left the local party isolated. A few Know-Nothing papers vainly hoisted the names of Millard Fillmore and Andrew Jackson Donelson to their mastheads, only to let them fall a few days later. The whole train of events led to a general political schizophrenia in which the Republican presidential electors and state tickets were supported, while the American party nominations for local offices continued to receive endorsement.<sup>74</sup>

On March 5 a listless remnant of the American party met in convention in Iowa City. Forty-five delegates made up the convention roster. They endorsed Fillmore and Donelson and accepted the Republican slate for state offices. The only spark of fire shown during the meeting was that contained in the closing blast at the Republican platform for not favoring the extension of time required for naturalization.<sup>75</sup> It was an empty gesture, however, for the American strength had already gone over to the Republicans. By April, Grimes was able to write to William Penn Clarke that "Know Nothingism *per se* is very weak in this State. . . . Take away the republican vote . . . & their nakedness would be shown. . . . Fillmore is so universally repudiated by everybody in the North, that I think they will come to their senses & thus come into the republican movement."<sup>76</sup> And so it proved; by May the *Oskaloosa Herald* reported that the American party in Mahaska County was the only part of the state organization which was still determined to remain apart from the Republican organization and candidates. By November the American vote had faded to less than 10 per cent of the total state vote, and this 10 per cent was confined largely to the southern counties.<sup>77</sup>

Kansas, as everyone recognized, was the real issue. Could the Republi-

<sup>74</sup> Muscatine *Daily Journal* supported Fillmore and Donelson from March 4 to 15, 1856.

<sup>75</sup> Dubuque *Daily Republican*, March 10, 1856.

<sup>76</sup> Grimes to Clarke, Burlington, Apr. 3, 1856, *Clarke Papers*.

<sup>77</sup> *Oskaloosa Herald*, May 30, 1856; *Mount Vernon Democratic Mirror*, Dec. 19, 1856.

cans keep the Kansas issue alive long enough to carry the state for Fremont and perfect their state and local organizations? The issue of freedom or slavery in Kansas seemed to be vital to the people of Iowa. From the day the Kansas-Nebraska Bill had become law, anxiety over the future of Kansas absorbed them. At first their chief concern was a fear that slavery would spread from Missouri and Kansas into Nebraska. Railroad promoters and Iowa land speculators had little interest in the future of Kansas; what interest there was stemmed first from individual settlers who wanted a free West to which they or their sons might move. But, second and far more important, interest in Kansas sprang from the abolitionist elements in the state, elements which had now progressed through the Free Soil into the Republican party.

The little community of Tabor in the southwestern corner of Iowa soon became an arsenal and a hospital for the Free State fighters in Kansas. Josiah B. Grinnell, founder of the town of Grinnell and Grinnell College, was incensed over the "Border Ruffianism" on which a member of his faculty reported after a visit to Kansas.<sup>78</sup> The *Muscatine Daily Journal* printed regular letters from a former Muscatine resident who had gone to Leavenworth City. The *Journal's* correspondent filled these letters with pleas for Northern aid. Meanwhile the press, as a whole, began to carry stories of "Civil War" in Kansas.<sup>79</sup> "Eyewitnesses" addressed indignation meetings. The Republicans extended their deepest sympathies to the "Free State men of Kansas in their struggles against Border Ruffianism" and promised to sustain them with "material aid."<sup>80</sup>

It was obvious that Kansas was "bleeding," at least in part, for partisan political purposes. Overlooked were all the natural reasons for bloodshed in a raw frontier community. There was no mention of claim jumping, horse stealing, and the combination of corn liquor and boredom which raised the death toll in all the American West. The *Iowa Democratic Enquirer* pointed out that "It has all along been obvious that the Kansas excitement was kept up by the Black Republicans, as a hobby out of which to make political capital."<sup>81</sup>

<sup>78</sup> Charles E. Payne, *Josiah Bushnell Grinnell* (Iowa City, 1938), 101-103.

<sup>79</sup> *Muscatine Daily Journal*, Oct. 17, 1855; June 6, 1856.

<sup>80</sup> Pelzer, "History and Principles of the Democratic Party in Iowa," 227; Pelzer, "Origins and Organization of the Republican Party in Iowa," 515.

<sup>81</sup> *Muscatine Iowa Democratic Enquirer*, Aug. 20, 1856.

Not only did the Republican press of Iowa keep up the howl over Kansas, but party leaders took an active part in support of the "Free Staters" in Kansas. William P. Clarke took time out from his campaign work to help send arms and men of James H. Lane. As chairman of the Kansas central committee of Iowa, he was instrumental in laying out the "Lane Trail" across the state to aid "Free Staters" on their way to Kansas.<sup>82</sup> In July he attended the National Kansas Aid Convention at Buffalo and was appointed a member of the national committee. A fellow state committeeman, Henry O'Connor, spent a large part of the summer in Kansas in active aid to the Free State cause, making frequent trips back to Iowa to muster aid and sympathy.<sup>83</sup> Grenville M. Dodge, active in railroads, Nebraska land speculation, and the Republican party, relayed muskets to Council Bluffs for use in Kansas.<sup>84</sup> Governor Grimes was surreptitiously engaged in the Kansas struggle. His method of help was to leave the key to the Iowa arsenal on his desk, where it could be "found" by Richard F. Hinton who commanded a Free State band on its way to Kansas. Hinton "found" the key and "appropriated" fifteen hundred muskets for use in Kansas.<sup>85</sup>

When Representative Brooks took a cane to the head of Senator Sumner, Governor Grimes sprang into action and called a mass meeting for May 31 at Burlington. Taking the chair, Grimes opened the program with a violent speech in which he maintained that Senator Sumner and Massachusetts were not alone in this affair. The possibility that "Iowa might next be stricken down" made it a matter of concern to all the North.<sup>86</sup> Linking "bleeding Sumner" with "bleeding Kansas," Grimes spoke of the "legalized robberies, burnings and murders" committed "with the complicity of the President of the United States."

On August 28, following the example of Governor Chase of Ohio, Grimes responded to the pleas of former Iowa citizens who had settled in Kansas. In a letter to President Pierce, Grimes indulged in some of the

<sup>82</sup> Erik Eriksson, "William Penn Clarke," *IOWA JOURNAL OF HISTORY AND POLITICS*, 25:39-40 (January, 1927). James H. Lane, a Free Soil politician of Kansas, organized the "Lane Trail" across Iowa and Nebraska to bring Northern settlers into Kansas. *Dictionary of American Biography*, 10:576-7.

<sup>83</sup> Muscatine *Iowa Democratic Enquirer*, Sept. 11, 1856.

<sup>84</sup> G. M. Dodge to John T. Baldwin, Iowa City, Sept. 5, 1856, *Grenville M. Dodge Papers* (Iowa State Dept. of History and Archives, Des Moines).

<sup>85</sup> Payne, *Grinnell*, 101-103.

<sup>86</sup> Salter, *Grimes*, 80-81.

most highhanded accusations to come out of the Kansas affair. He opened his letter with a listing of the outrages charged by former Iowa citizens against the federal authorities in Kansas. Claims that they had not been protected in their rights by federal soldiers were given full credence. Grimes himself then maintained that three former Iowans had been killed by guns obtained from a federal official. Overlooking the absurdity of demanding Southern noninterference in Kansas while threatening to interfere up to the hilt himself, Grimes penned an astounding threat:

The Central Government having failed to perform its duty by protecting the people of Kansas in the enjoyment of their rights, it is manifestly the right of each of the States to adopt measures to protect its former citizens. If the people of Iowa are not permitted to enjoy the right of citizenship in that Territory, they retain their former citizenship in this State, and are as much entitled to protection from the State while upon the public domain, as they would be if the General Government failed to protect them in a foreign country. . . .<sup>87</sup>

The Republicans kept Kansas "bleeding" long enough to encourage a steady stream of Know-Nothings as well as Nebraska Democrats into their ranks. Meanwhile the Whigs had disappeared completely. It was not all clear sailing, however, for there was a movement among the Know-Nothings to back Fillmore in order to bend the Republicans to a strong nativist stand.<sup>88</sup> It was an abortive attempt. In September, the State Council of the American party met and, after formally repudiating Fillmore and Donelson, endorsed the Fremont and Dayton nomination of the "North American" party. Local Fillmore clubs followed suit. The Burlington Know-Nothings resolved "That in this contest, we will sink our peculiar American opinions, and battle manfully for a Free Press, Free Speech and Fremont." In the final vote, the Know-Nothings went over completely to the state Republican ticket, but many refused to follow the State Council and voted for the Fillmore slate.<sup>89</sup>

The outcome of the Iowa election in 1856 was never in any real doubt. The only question was the size of the Republican victory. The Fremont electors won by a vote of roughly 45,000 to 37,000 for Buchanan; Fillmore

<sup>87</sup> *Ibid.*, 85.

<sup>88</sup> Dodge to Baldwin, Iowa City, Sept. 5, 1856, *Dodge Papers*.

<sup>89</sup> *Muscatine Daily Journal*, Sept. 5, Nov. 18, 1856.



received 9,500 votes. The Republican state ticket as a whole was elected by a vote of 40,500 to 32,000.<sup>90</sup>

In the congressional elections, the Republican victory was narrower. In the southern half of the state the Republicans had chosen a political unknown to make the race for Congress from the First District. This was Samuel Ryan Curtis, an engineer and graduate of West Point. Born in New York and reared in Ohio, he had engineered the improvement of the Muskingum River in Ohio during the late thirties. After service during the Mexican War, he moved to Iowa, where he took over the task of chief engineer for the improvement of the Des Moines River. After a stint as city engineer for St. Louis, Col. Curtis turned to railroads. In the fall of 1853 he had led the surveying party for the "Lyons Road" across Iowa in an attempt to beat G. M. Dodge and the Mississippi & Missouri Railroad to the Missouri River. In the spring of 1856 Curtis was elected mayor of Keokuk.<sup>91</sup> He squeaked past the Democratic incumbent, Augustus Hall, by a vote of 18,065 to 17,110. It was a real triumph for the Republicans; for the first time they had broken the Democratic grip on the southern portion of the state. By comparison, the contest in the Second District was a walk-away. Timothy Davis, an anti-Nebraska Whig in 1854, defeated former Representative Shepherd Leffler by a vote of 21,885 to 15,868.<sup>92</sup>

The returns in the presidential contest showed the sectional division which had become traditional in Iowa. Democratic strength was confined largely to the two southern tiers of counties. There the Democrats recaptured the three counties, Fremont, Wayne, and Van Buren, which they lost to Grimes in 1854.<sup>93</sup> A handful of sparsely settled western counties and the northern stronghold of Dubuque were all that remained to the Democrats outside of their southern citadel. The Republicans successfully invaded the southern Democratic camp and captured ten new counties in addition to holding all but three of their 1854 gains. With the exception of Dubuque, Jackson, and Black Hawk counties, the entire northern part of the state went Republican.

<sup>90</sup> Fairall, *Manual*, 14, 41.

<sup>91</sup> Ruth A. Gallaher, "Samuel Ryan Curtis," *IOWA JOURNAL OF HISTORY AND POLITICS*, 25:331-7, 338-9 (July, 1929). J. R. Perkins, *Trails, Rails and War: The Life of General G. M. Dodge* (Indianapolis, 1929), 25.

<sup>92</sup> Fairall, *Manual*, 21-2.

<sup>93</sup> Mount Vernon *Democratic Mirror*, Dec. 19, 1856. The returns published by the *Mirror* were listed as official by the editors, who noted a few minor errors.

The Know-Nothing vote was spotty. In the southern tier of counties, Appanoose, Davis, and Page gave Fillmore second place after Buchanan. In the river counties the Know-Nothing vote ran from 4 to as high as 20 per cent and, as expected, was lowest in the counties with heavy German or Irish populations. It was clear that the waning strength of the Know-Nothings lay in the southern tiers where it cut into the Democratic as well as Republican strength.

All in all, 1854 to 1856 were years during which Iowa political elements shifted and realigned themselves. The Opposition victory had broken the grip of the Democrats in 1854, but it was mainly the determined efforts of Grimes, pounding away at the Kansas-Nebraska Bill, together with the internal dissension of the Democrats which secured this victory. More time was needed for perfecting and strengthening the embryonic organization. This time, furnished by the Democrats who continued to squabble among themselves, allowed the Opposition to fuse with the remnants of the Whigs and to absorb a large portion of the Know-Nothing group. From such fusion the Opposition leaders formed a successful permanent state organization under the Republican banner and carried Iowa into the Republican ranks for Fremont in 1856 and Lincoln in 1860.



## THE MINING CAMPS OF IOWA: FADED SOURCES OF HAWKEYE HISTORY

*By Robert Rutland\**

Some day the story of the coal-mining industry in Iowa is going to be fully related, and it will make grand reading. Iowans are now reminded of the past grandeur of that industry within their state only when an excavating crew runs across a thin seam of coal, or when they pass by a crumbling relic that once represented jobs, fuel, and capital to thousands of men. But it was not always so, and in view of the rapid decline of coal mining to the status of a dying industry, it is difficult to realize that at one time there were optimistic predictions that coal would outrank corn as the state's chief source of income.

Iowa coal production was noted in the 1840 census at Davenport. Commercial production, which began in earnest following the Civil War, was centered in the Des Moines River Valley as far north as Boone. By the 1870's Iowa coal was attracting eastern capital and miners from Wales, England, Scotland, and from eastern coal-mining states. Oskaloosa, Ottumwa, Albia, and Des Moines were Midwestern supply points for the soft Iowa product which had a value of \$2,507,453 in 1880. The peak of production was reached in 1918, during World War I, when mine operators were even able to sell slag piles — according to one version — because of the desperate need for fuel.

After the war Iowa operators began curbing their output. It was cheaper to mine elsewhere, and the quality of Iowa coal caused buyers to prefer the Illinois product. The last spurts of activity were halted by the Great Depression, so that after 1935 the Iowa coal fields were no longer an important factor in the national fuel picture. Although Iowa coal reserve surveys

\*Robert Rutland, former research associate with the State Historical Society of Iowa, is now assistant professor in the Department of Journalism, University of California at Los Angeles. He is indebted to Frank D. Wilson, president and secretary-treasurer of the UMWA's remaining organization at Albia; to T. C. Chapman, state mine inspector, Albia; and to retired miners James Hupton, Albia, and Millard Tate, Melrose, for their interviews and correspondence relating to the history of Iowa coal mining, upon which this article is based.

are now jealously kept secret by the several railroads and individuals who own them, the inroads made by petroleum and natural gas have made further exploitation of the Iowa beds unprofitable. Barring unforeseen developments, it is safe to assume that another decade will see the virtual abandonment of even the slightest coal-mining activity in the state.

The facts and figures, and the dismal outlook, tell but a portion of the story. For over forty years, Iowa coal and the men who mined it were an important part of the social and economic fabric of the state. Two of the greatest labor leaders ever to stand before miners — John P. White and John L. Lewis — both got their initial organizing experience in Iowa. The prolonged coal strike at Des Moines in 1877 was one of the first large-scale outcries of the Midwestern laboring man against alleged injustices committed by owners and operators. The merger of two rival Iowa coal miners' unions in 1894 was a large milestone in Midwestern labor history. The once-famous District 13 of the United Mine Workers of America grew out of this merger, contributing richly in personnel and money to the national growth of the UMWA for over a generation. Iowa coal miners were among the first American laborers to enjoy the eight-hour work day when it was conceded by the owners in the 1890's.

There are other facets of the coal-mining story of equal importance. Iowa coal operators formed their own organization for bargaining purposes, hiring as their first executive secretary the former leader of the miners. Large fortunes were made in the Iowa fields, much of the money remaining within the state and used to build fine residences in Oskaloosa, Ottumwa, and Des Moines. The old Redhead mansion at Des Moines was such a showplace, built in part by the profits Wesley Redhead gained from his investments in Polk County mines.

Generally speaking, the Iowa miner was distrustful of his boss and the mine owners. During the "cash stringency" in the panic of 1907, when there was a contraction of currency, and paper money was hard to locate (even in Iowa banks), the owners asked the miners to take promissory notes for their weekly wages until the crisis passed. Union contracts called for cash payments as an antidote to the earlier "company script" that was passed in the company store and hence an anathema to the miners. Rather than give an inch, many Iowa miners walked out of the shafts and waited until the financial snarl was corrected. They preferred to hurt themselves rather than do the owners a favor.

No chapter of the Iowa coal-mining history has appeared more intriguing to this writer, however, than the Iowa coal camps. These towns mushroomed in growth, thrived lustily while the mines were in operation, and then disappeared within a few years after the mines closed. In some cases the towns managed to survive only as corner crossroad meeting places, and as such are still on the census rolls. Others vanished completely. Before their demise, however, the mining camps were the scene of much social history. Unless interested scholars undertake the preservation of that story now, a colorful and important phase of Iowa history is going to be lost forever.

Monroe County was in the center of the final activity in the coal fields, and it is there that the researcher into the Iowa coal-mining history must look for the remaining scraps of information. There, in the county seat at Albia, the District 13 headquarters building of the UMWA still stands. President and Secretary-Treasurer Frank D. Wilson remains as the sole union official in the one-story building which once represented a nerve-center for thousands of miners. Within a distance of thirty miles from the doorstep of this historic structure stand the remnants of the camps at Haydock, Hiteman, Hocking, Lovilla, and Consol — and the site of the Buxton camp, the biggest, rowdiest, and proudest of them all.

Buxton flared into prominence in the second decade of this century, faded in the third, and was nonexistent by the fourth. Built by miners on land owned by a railroad, it was located in northwestern Monroe County. The population was, at the peak, around 5,000. Most of its residents were colored people, many of them Negroes brought to Iowa from the South, with no previous experience in mining but a strong desire to make the comparatively high wages then paid. Morning trains picked up the miners, carried them to their jobs, and returned each dusk with their grimy passengers. Although accidents in the shafts were frequent, cheerfulness was the keynote on the Buxton trains, and the good humor of the miners as they returned to their camp was reflected in much joking, kidding, and horseplay on the company trains.

The Buxton residents, once established in frame houses that were furnished by the companies, organized several churches and a YMCA. The Buxton baseball team was the toast of the community, and games with neighboring teams provided a source of pride and pleasure on Sunday afternoons. Whole communities made a mass exodus on excursion trains for

these baseball games that saw Buxton, Hiteman, and other camps sending their best player-miners into competition.

Another feature of Buxton community life was the town band. With the talent that seems natural to many Negro musicians, this band provided hours of relaxation for the community and received invitations to play concerts in nearby camps.

Law enforcement in Buxton and the other mining camps was desultory. They were unincorporated towns, and there were no means of providing regular policemen or deputies from the county sheriff's office. After the passage of the eighteenth amendment and the coming of prohibition, the liquor problem was a constant source of concern. Miners often obtained "booze" by patronizing the "blind tiger" shops that operated covertly — the odd name coming not from the brand-name of the item sold but from the practice of buying the liquor through a partition door that kept the purchaser and buyer from seeing each other. Millard Tate, an old-time miner who still lives at the site of the Consol camp, recalls that more than a few miners supplemented their income by working with the "blind tiger." Usually, he adds, the deputy caught up with them, and they had a few days in the county jail to reflect on their profits.

Liquor was one of the greatest enemies of the miner, according to James Hupton, Welsh-born miner who has retired to his home in Albia. Hupton admits the dangers of the shaft but says that more miners were injured by drinking than by falling timbers or the dreaded "black damp" (noxious gases). Hupton's opinion is seconded by T. C. Chapman, state mine inspector now living at Albia, who also spent many years in the Iowa fields. Chapman says drinking was a major problem in the Iowa fields; and this judgment is further reinforced by dozens of newspaper clippings from the mining era that tell of violent acts by miners following drinking bouts.

While there was probably no WCTU organized in the camps to combat the effects of excessive drinking, the religious influences present doubtless had some effect. Chapman reports that while church buildings were scarce in the camps, religious services were often held in the familiar Miners' Hall (most camps had one of these central gathering places) or the local school. He recalls that Buxton had several church buildings, and Hupton remembers that as a youngster at What Cheer in 1887 his immigrant family found "religious life already established." "After about two years we moved to Mahaska County to a new camp where nothing had been done in that line,



so it was up to the people themselves to find ways of getting together for worship and also for schools for their children," he adds.

Baptist and Methodist church groups seem to have been particularly strong in the camps. Catholic churches were eventually opened in some of the larger camps, and at practically every camp there was a period when the evening air was filled with singing and preaching from revival tent meetings.

Next to the Bible, McGuffey's Reader was among the most important books in the camps. As Hupton indicates, schools and churches were organized at an early period. The difficulty came when the youngsters had acquired the basic learning, for then there was the pressure to put the twelve-year-old boy into the pits, while his sister could stay at home to help mother wash (a job of considerable magnitude in a miner's home), sew, cook, and perform other duties. Supplementing the regular school was the traveling lecturer, a carryover from the Lyceum days when famous men carried their message to the hinterlands for a fixed fee. Occasionally a miner would make great sacrifices to further his own education. Frank D. Wilson recalls that John T. Clarkson began his brilliant legal career as a combination butcher and miner at Morgan Valley. Clarkson would walk to Ottumwa to read law in Dan Steck's office on week ends; there he gained his first knowledge of the field where he later excelled as a champion of the miners' rights.

For entertainment the camps usually turned to music and, in the summertime, to baseball. Buxton's baseball team was regarded as Iowa's best amateur nine by many observers. "All mining towns of my knowledge had good baseball teams," Chapman reports. Hiteman and Buxton were in competition not only on the diamond but at the bandstand. Both camps had outstanding brass bands, probably appropriately uniformed in the style of the day. From the Welsh element came the notable eisteddfods, remembered as singing festivals of great importance by Hupton and other miners with Welsh ties. Hupton says he remembers his first eisteddfod in 1889. "At that time it was held in Oskaloosa, then to Ottumwa, and then at Albia," he recalls. "Other towns besides the mining towns took part and the same spread, not only over Iowa, but over the United States," Hupton writes, adding that "there were many talented men and women who took the lead in that work and contributed to the success of a work that brought a great deal of pleasure and enjoyment to all who took part and also those



who listened to them." Besides singing, the eisteddfods included declamatory contests that gave local orators a chance to practice for the heated discussions that sometimes arose in the union halls.

Motion picture houses were another source of entertainment in the camps. Chapman says he saw his first film emporium at Buxton about 1908, and adds that the celluloid antics of William Farnum, Pearl White, and other early stars were great sources of enjoyment. Sunday, of course, was the only day the miners had for recreation until well into the twentieth century; many miners looked forward to the Sabbath afternoons when they could hunt or fish in the surrounding area.

Life was not easy in those Iowa mining camps, and human associations were dearly held. Hupton mentions the evening meal with particular warmth. "In the early days of long hours of labor and travel, there was only one meal except Sunday that a man enjoyed with his family, which was the evening meal. The whole day was spent toward making that a pleasant reunion, and after the dirt and grime were washed away the little family would gather, with thanks, for another day passed in safety." He further recalls that when sickness or an accident struck a family, whole neighborhoods joined to make up for the lack of hospital facilities with volunteer nursing and donations of food, clothing, and money. "In the event of death, the whole camp would rise as one for help and comfort to those who needed it," Hupton remarked. Most medical care was usually provided by a single doctor who served the entire community, Chapman noted, but where money is always in short supply, home nostrums were preferred.

The few remaining photographs of the Iowa mining camps give the impression that the homes were uniform, soot-covered, and somewhat drab. Miner Hupton refutes such an impression, however: "One idea prevailing amongst outsiders was that mining camps were slums and this was a false idea for if there was one thing the miner's wife and daughters took pride in, it was their little homes and they took joy in good housekeeping, and quoting from a lady from one of our large cities she said that she got the surprise of her life when she visited these homes and found them little palaces."

Those miners who moved up the economic scale would in time acquire a horse and buggy. Chapman says that most of the miners he knew had a "rig," and when automobiles came on the scene they were gradually moved

into the sheds and the buggies moved out with a "for sale" sign attached. Strong legs carried the men from their homes to the company trains each morning, however, and tired legs brought them back each night. The development of better forms of transportation is credited by Chapman as presaging the end of the camps. He says that the automobile and good roads meant that men could get to the pits while living in larger towns. Certainly the coming of the automobile helped hasten the end of the heyday of mining camps.

Since the mining camps were ordinarily one-company affairs, they were essentially paternalistic. This led to some friction between the employer and the miner, but perhaps nothing was more disagreeable to the men than the often-cursed "company store." These general merchandise concerns were owned by the companies, and they sold on credit to the miners. A common grievance of the miners was that they hardly had tobacco money left on payday, after their company store debts had been balanced against their earnings. Naturally, many of the men claimed that the company store charged higher prices than merchants in nearby towns, thus profiting exorbitantly from their monopoly.

Constantly under fire from the men, these company stores were in time attacked by the United Mine Workers organization and were grudgingly abandoned by many owners. In these circumstances, it is quite likely that mail-order catalogs were among the most-read pieces of literature circulating in the camps.

Outside of the mail-order catalogs, it is certain that the area newspapers were thoroughly perused by the Iowa miners. Despite its size, there appears to have been no newspaper published at Buxton. Consol and Mystic also did without local newspapers. The explanation probably lies in their nearness to the larger communities with newspapers that had long served the area. Chief among these were the Centerville *Iowegian*, Albia *Union* and Albia *Republican* (merged in 1922), Oskaloosa *Herald*, and Ottumwa *Courier*. Until 1926 the Melrose *Bell* rang out with news of interest to the mining community. The news columns of these journals recorded the vital statistics of the nearby mining camps along with the violence and the other elements of the human drama that make up a part of the daily news grist. Taken as a whole, these newspapers represent the best record of the Iowa mining community.

These impressions of the Iowa mining camps seem to indicate that a rich

and full story has been overlooked. What appears to have been a grimy and rather unpleasant place to live apparently was not so regarded by those who actually lived there, and their lack of comforts and conveniences was compensated for in warm family associations and a friendly neighborhood spirit. To historians who would touch upon a field that promises rich rewards, both in information and human understanding, the Iowa mining camps stand as challenging as the slightly opened door to a dimly-lighted, mysterious room. But the historians must hurry, as the door will soon be closed to those who want information from the miners who made this history.

## SOURCE MATERIAL OF IOWA HISTORY

### A COUNTY POLITICAL CONVENTION IN 1872

[The township, county, district, and state nominating conventions were training-schools for politicians in the days before primaries took the job of choosing candidates from the hands of the few to the votes of the many. In these meetings the novice politico learned the tricks of the trade — tricks now reserved almost entirely to the great national conventions. The following account of a Polk County nominating convention, in spite of its local application, describes a struggle over contested delegations that is a familiar part of many recent national conventions of both parties.

This newspaper account is reproduced because it is one of the very few local conventions that was completely reported. Most newspapers in the seventies gave a half-column or so to reporting the county meetings, with only a brief summary of the political jockeying that went into the choice of a candidate. Even state conventions were seldom reported in full. But in the summer of 1872 a struggle was going on in the Seventh Congressional District of Iowa for control of the local segment of the Republican party. For that reason the *Des Moines Register* devoted seven columns of its first page to its reporter's account of what happened. Granted the bias of the paper and of its "phonographic reporter," the following account is a full story of what happened.

To appreciate what was going on, some background is needed. In 1862 the then Fifth Congressional District of Iowa included 23 counties in the southwest quarter of the state. The state capital, Des Moines, and the important city of Council Bluffs on the Missouri River were part of this district. In that year John A. Kasson of Des Moines had been elected to Congress from this district. He served in that capacity until 1867, when a revolt against him, led by Grenville M. Dodge of Council Bluffs and James S. Clarkson of Des Moines, defeated him for renomination. Those who have read the Society's recent publication, Edward Younger's *John A. Kasson*, will appreciate the bitter intraparty struggle then taking place in Iowa for control of the Republican party. Dodge himself succeeded Kasson in Congress for one term; the two following terms were filled by Frank W.



Palmer, Dodge's choice for the post. Meanwhile, Kasson had served three terms in the Iowa General Assembly and now wished to return to Congress. In 1872 the state had been redistricted; the old Fifth was split in two, with Kasson's home county of Polk going into the Seventh, and Dodge's home county of Pottawattamie into the Eighth. Thus, one of Kasson's enemies had been removed, but he still had to contest with James S. Clarkson, the dynamic editor of the state's most powerful Republican paper, the *Des Moines Register*. Furthermore, 1872 was the year of the Liberal Republican revolt, in which the so-called Liberal Republicans, seconded by the Democrats, had nominated Horace Greeley for the presidency in opposition to U. S. Grant. Clarkson, in his effort to defeat Kasson's new bid for Congress, thus had to fight not only Kasson but the Liberals of his own party in order to retain control of the "Des Moines Regency," as it was then called. He tried to combine the two enemies into one by classing Kasson as a Liberal but never quite succeeded in making the appellation stick. Kasson was not a true Grant Radical but neither was he a Greeley Liberal.

The Congressional Convention of the Seventh District was called for August 14, 1872, later than all the other districts, due to the fact that the incumbent Palmer and the contestant Kasson were carrying on a bitter fight in the townships and the ten counties of the district (Decatur, Wayne, Clarke, Lucas, Adair, Madison, Warren, Guthrie, Dallas, and Polk) for control of the delegations. The Kasson forces even accused the Palmer men of campaigning on Sunday, a day when politicians were supposed to rest. During the final week or ten days before the district meeting, the townships were holding conventions to send delegates to the county conventions, most of which were held within a few days of the district meeting. Polk County Republicans met on August 10 in the courthouse at Des Moines. Twenty townships had sent seventy delegates. The two principals in the contest were Isaac Brandt, who represented the Kasson forces, and Thomas F. Withrow, a Dodge and Clarkson lieutenant who represented the Palmer forces. Actually, a seat in Congress may have hinged on this small county convention, for after the Kasson forces had triumphed, Palmer withdrew from the race. He wrote to Governor C. C. Carpenter, "I am a 'dead duck.'" The district convention nominated Kasson, and he won the election easily. Had Withrow carried the Polk County convention with him, it is possible that its delegates could have swung the district conven-



tion to Palmer, who would then have returned to Congress, thus putting a stop to Kasson's future brilliant career in Congress and in the diplomatic service.

The report of the convention appeared on the first page of the *Des Moines Iowa State Weekly Register* for August 16, 1872, under the heading: "A Full Report of the Proceedings as Made by C. A. Mosier, Phonographic Reporter." — EDITOR]

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The Republican Convention of Polk County, on Saturday last [August 10, 1872], met at the Court House, Des Moines, and was called to order at half past one o'clock P. M., by Mr. Davis, Chairman of the County Committee. Mr. Davis read the call for the County Convention.

MR. DAVIS — I call Marshall Talbot to the Chair, "to organize the meeting."

Mr. Davis did not submit the question of Talbot's chairmanship to the Convention, but Mr. Talbot took the chair, amid the cheers of the Kasson side of the house.

MR. BANNISTER, of Lee — I nominate Mr. Roland, of Beaver township, as temporary Secretary. The gentleman was elected.

ISAAC BRANDT — I move the appointment of a committee of five on credentials. Carried.

The Chair appointed as such committee — reading the names from a memorandum in his hand: Isaac Brandt, of Lee; A. J. Barton, of Four Mile; Joseph Hutton, of Elkhart; Wm. Butler, of Beaver; and Samuel Johnson, of Franklin.

MR. WITHROW — I move that the Committee on Credentials be instructed to attach to their report all papers presented to them and that the same be made a part of the record of the Convention. Mr. Isaac Brandt seconded the motion and it was adopted.

MR. WITHROW moved the appointment of a committee of three, of which J. C. Jordan should be chairman, to report a permanent organization. The motion was seconded by Mr. Smith.

MR. JORDAN moved to lay the motion on the table.

The chair showing no intention of submitting the motion, Mr. Withrow asked if he intended to entertain the resolution, or rule it out of order, or ride it down according to his instructions. Mr. Withrow said he did not care who was put on the committee, that he did not expect to be one of

those selected, that he had no idea his name was on the list in the chairman's vest pocket.

The chair made no reply to the inquiry whether or not he intended to entertain the resolution or rule it out of order, but did not submit the motion.

Mr. Bannister, of Lee, defended the Chair.

CAPT. THOMAS, of Lee — I want to know what right Mr. Withrow has to speak in the Convention. He was not elected a delegate, he ought to show his credentials before attempting to speak.

MR. WITHROW asked Capt. Thomas how *he* got into the Convention, if he had the right to be there, if he had been elected a delegate in any township. The Captain replied that he hadn't.

The Chair, still declining to submit Mr. Withrow's motion, or rule it out of order, the Convention transacted no business till the presentation of

#### THE REPORT OF THE COMMITTEE ON CREDENTIALS

That Committee, through Mr. Brandt, made the following report:

Your Committee on Credentials present the following report:

We find that the following persons have been regularly elected delegates from the various townships, and would recommend that they be entitled to seats in this Convention, with the following votes:

*Allen* — A. Rice, David Spencer.

*Beaver* — W. H. Davis, E. Canfield, Wm. Butler, P. Humphrey.

*Bloomfield* — Joseph Davis, A. P. Kindred.

*Camp* — J. J. Norris, Erastus Smith, Thomas Darnell.

*Crocker* — D. C. Marts, J. S. Miller, F. W. Feigerbaum.

*Delaware* — Samuel Jones, C. A. Johnson.

*Des Moines* — J. H. Given, Thomas Hatton, J. B. Bissell, Frank Butler, W. A. Rollins, Taylor Pierce, C. H. Getchell, D. Uttersen, O. W. Munsell, T. F. Withrow, Albert Burrows, W. C. Burton, S. Carter, J. B. Miller, E. E. Ainsworth, F. W. Birtch [sic].

*Douglas* — Wm. Justice, N. Brazleton.

*Elkhart* — James Woods, Joseph Hutton.

*Four Mile* — A. J. Barton, J. B. Jennings.

*Franklin* — Samuel Johnson, D. E. Tyler.

*Grant* — J. C. Taylor, Resin Wilkins.

*Jefferson* — Abraham Elliott, John Lawson.

*Lee* — Wm. Shephard, Joseph Brewer, C. A. Riden, I. N. Thomas, Ed. Loughran, Samuel Greene, L. B. Bannister, R. D. Bennett,

J. Bennett. [Isaac Brandt's name was left off this list, possibly through a typographical error.]

*Lincoln* — H. A. Williams, S. C. Beals, W. W. Anderson.

*Madison* — C. J. Clark, Nathan Parmenter, G. F. Hubbard, E. H. Crane.

*Saylor* — Marshall Talbot, David Witter, R. K. Miller.

*Valley* — Jonathan B. Huston, W. Sovereign.

*Walnut* — J. C. Jordan, J. Youngerman, L. P. Wilcox.

*Washington* — Thomas Stillwell, Daniel Tilton.

Signed,

JOSEPH HUTTON

ISAAC BRANDT

W. A. BUTLER

L. W. JOHNSON

A. J. BARTON.

MR. BANNISTER — I move that the report of the Committee on Credentials be adopted. Seconded.

MR. WITHROW — Perhaps a portion of the Convention would be willing to receive but not to *adopt* the report.

MR. BANNISTER — I move to receive and adopt. Seconded.

MR. WITHROW — I move to amend the motion by striking out the names of Joseph Davis and A. P. Kindred, delegates reported from Bloomfield, and inserting the names of J. P. French and Ben. T. Jones. Motion seconded.

The motion was not recognized by the Chairman of the Convention.

MR. WITHROW — Will the Chair entertain my motion to amend?

THE CHAIR — Gentlemen you have heard the motion for an amendment.

MR. BRANDT — Upon a vote upon that amendment I move that we have a call of the townships in regular order.

MR. WITHROW — I am perfectly willing that it shall be done and that as a rule of this Convention we shall have a roll call of the townships upon any vote, if desired — by any member of the convention.

MR. BRANDT — That is the desire.

MR. WITHROW — A motion for a call of the townships would not be in order now but I am perfectly willing on my part, and it is the feeling of those delegates whom I have talked with here, that upon any vote there shall be a call of the townships and the vote recorded.

MR. BRANDT — If you consent to it there will be no objection to a call of the townships.

MR. WITHROW — I understand the motion before the house is my motion to amend the report of the Committee on Credentials. Is that correct?

MR. BRANDT — Yes.

MR. WITHROW — If that is correct I would ask the Chairman of that Committee what papers were submitted to it in regard to the vote at the primary election in Bloomfield township to elect delegates to this Convention.

MR. BRANDT — There were three sets of papers submitted to the Committee, with three sets of delegates. In computing the whole matter, and looking it all over, we found that the regular delegates that we reported in favor of receiving, had more votes than all the others together. We found that the regular election was held in the school house as set forth by the papers, in accordance with the call by the Chairman of the Township Committee, and that the regular delegates, as reported in our report, received a majority of the votes in all cases.

MR. WITHROW — I would like to know whether or not it was made to appear to the Committee on Credentials that at the meeting at which the delegates, whose names appear in the report, were elected, persons were permitted to vote who avowed themselves as intending to support and vote for Horace Greeley for President.

MR. BRANDT — It was set forth in one of the papers that one Thomas Parker had avowed that he would vote for Horace Greeley.

MR. WITHROW — And his vote was admitted?

MR. BRANDT — His vote was taken.

MR. WITHROW — I will ask whether it further appeared from the papers handed to the Committee that it was then announced by the Judges of that election, upon Thomas Parker's vote being challenged, that any person who heretofore voted the Republican ticket would be permitted to vote at that election whether they intended to support Horace Greeley for President or not; or if there was a declaration by the Judges to that effect?

MR. BRANDT — The conflicting statements in substance were these: That a portion of the gentlemen retired from the house and held an election — a portion of those who had voted in the house voting again. The papers are here and can be read.

MR. WITHROW — I would like to hear those papers read for the information of the delegates in this Convention.

MR. JAMES C. JORDAN — I can't, for the life of me, see what all this

discussion is for, before the Convention is organized. It seems to me that it is clearly out of order. Let the report be adopted and then the question can be brought up.

MR. WITHROW — Mr. President, excuse me for calling attention to the parliamentary rule that the gentleman refers to. I did suppose, though I confess my inexperience in these matters, that upon a motion to adopt a report of a committee on credentials and to admit members as delegates to the Convention, it is in order to amend that report. The gentleman suggests that after the convention is organized, after this report is adopted, this question can be brought up. I would like to know how? After the report is adopted and these parties are in the Convention, I would like to know how we are going to raise the question as to their being legal members of the convention.

MR. J. C. JORDAN — The point I raise is, allowing the time of this Convention in speeches or buncombe, without attending to the business of the Convention. We have a question before the house and until this is disposed of all this discussion is out of order.

MR. WITHROW — What question is before the House?

MR. J. C. JORDAN — The question as to the adoption of the report and the motion to amend.

MR. WITHROW — I ask to have these papers read that we may see whether the door is to be opened for the admission of delegates in this Convention who were elected by persons pledged to vote for Horace Greeley, the Democratic candidate for the Presidency.

MR. BRANDT — I presume there will be no objection to the reading of the papers but it will only consume time. I will read the statement submitted by citizens from Bloomfield township. . . .

MR. BRANDT then read from the credentials of the contesting delegates. After hesitating in reading, he said: "I don't know whether I can read the gentleman's hand writing (referring to Mr. Withrow) or not.

MR. WITHROW — I think you can read it.

MR. BRANDT then read with some difficulty the statement submitted by citizens of Bloomfield Township.

As he was hesitating in his reading MR. WITHROW said: "You must have acted very intelligently as a member of the committee on a paper which you cannot read."



(The paper read was as follows, as reproduced by Mr. Mosier, Secretary of the meeting:)

THE BLOOMFIELD REPUBLICANS' STATEMENT.

BELL'S SCHOOL HOUSE DIST. NO. 2,

August 3d, 1872.

A number of citizens of Bloomfield township assembled at Bell's School House at 3 o'clock P. M., pursuant to a call for a primary meeting for Bloomfield township, to elect delegates to the Republican Convention to be held at the city of Des Moines, August 10th, 1872.

On motion of Thomas Parker, M. L. Devin was called to the chair.

On motion of Thomas Parker, Fernando Easton was appointed one of the Judges of the election proposed to be held, and on motion of Joseph Davis, William Drake was appointed the other Judge.

On motion of Thomas Parker, Bruce Jones was appointed Secretary.

An election by ballot was then commenced for delegates and also for county officers, and candidate for Congress. While the vote was progressing the following resolution was offered by William Deford:

*Resolved*, That straight Republicans only, are entitled to vote at this convention, excluding all Democrats and Liberal Republicans.

Some discussion occurred upon the resolution, in which Mr. Drake, one of the judges of the election declared that he would vote for neither Greeley nor Grant for President.

The resolution was deemed lost, only a partial vote being taken owing to the confusion arising from the excited discussion.

Thomas Parker then offered his ballot to the judges, whereupon his vote was challenged by Stephen Farr on the ground that he intended to support Horace Greeley and was not entitled to vote at a Republican meeting. Mr. Parker acknowledged that he was supporting and intended to vote for Horace Greeley for President. The challenge was overruled by the judges of the election and the vote admitted.

It was then announced by the Judges that any person who had heretofore voted the Republican ticket would be permitted to vote at that election if he so desired.

Thereupon Dr. W. R. S. Clark proposed that all straight Republicans, all those who intended to support the entire Republican ticket, including the nominees of the Philadelphia Convention,

should retire to the outside of the building and there hold the Republican primary election of Bloomfield township. All who were willing to support the entire Republican ticket, National, State, District and County, were invited to participate in the meeting.

A majority of those present thereupon retired to a place outside and near to the building, and organized a meeting by electing Dr. W. R. S. Clark, President, C. A. Mosier, Secretary, Farron Case and Stephen Farr, Judges of the election.

Upon motion, an election was then had, all Republicans who intend to support the entire Republican ticket being invited to participate. [There follows here a list of 33 names of the men voting at that election.] . . .

Upon a canvass of the vote in the presence of the meeting, it was found that 33 votes were cast. Of these, F. W. Palmer had 26 votes for Representative in Congress, and John A. Kasson had 7 votes for the same position.

[Other votes for district and county positions are then listed, and a township committee appointed.] . . .

MR. JORDAN — I move that the further reading of these papers be dispensed with.

MR. WITHROW — I ask that the affidavits attached to that statement be read.

MR. JORDAN — This is all for Buncombe.

MR. WITHROW — Are there any affidavits appended to that statement attesting the truth of it?

[Brandt reads one affidavit signed by J. P. French and notarized by C. A. Mosier.] . . .

MR. BRANDT — Is there anything further you would like to have read?

MR. WITHROW — Are there no other affidavits on the other side?

MR. BRANDT — No sir, not that I have seen; nothing more than the certificates of the regular officers as read in the first place.

(Mr. Brandt was shown another affidavit on the next page preceding the one last read, which he proceeded to read.)

[This was an affidavit by W. R. S. Clark and Ben. T. Jones, notarized by C. A. Mosier.] . . .

MR. WITHROW — I will only notice the witticisms of the Deputy Treasurer [Brandt was deputy treasurer of Iowa] in his confession before this Convention that he could not read the papers that he had made a report upon, as Chairman of the Committee on Credentials, by saying that the paper which he professed his inability to read is in the handwriting of the

Secretary of the meeting. I never saw that report until after it was written (of course of that the gentleman has no knowledge), but he could not be mistaken about my handwriting, and he could not be mistaken about the handwriting of C. A. Mosier, the Secretary.

But passing from this unimportant matter, I ask, what are the credentials of these parties from Bloomfield township the committee has reported in favor of receiving — by whom were they elected? By the statement of their own Secretary it is shown that all persons who had voted the Republican ticket, and who intended to support the "*nominees of this meeting*" (this meeting over in Bloomfield township) should be permitted to vote at that election. U. S. Grant was not a nominee of that meeting, neither was Henry Wilson. The Republican ticket of this State will not be the [one] nominated by the meeting held at Bell's school house in Bloomfield township. So that all a man necessarily had to do to secure the reception of his vote at that meeting was to say "I *have* voted the Republican ticket and intend to support the nominees of *this meeting*." He might say that "I intend to vote the Greeley and Brown Liberal-Democratic ticket, and for the Liberal Democratic State ticket, and notwithstanding I intend to do all this, I *have* voted the Republican ticket, and will support the nominees of *this meeting*, and am entitled to vote here." This was the test of qualification as shown by their own story. This is their own version of what they did as shown by their credentials, made out by their officers, with full knowledge that their seats would be contested in this convention.

Did they set out that they refused at that meeting to admit the votes of avowed supporters of Horace Greeley? Not a word of it. Do they say that they would not admit Liberal or Democratic tickets? Not a word of it.

I want this Convention to look at the record presented by the contesting delegates, and the affidavits of some of the most prominent citizens of Bloomfield township, appended to it, and then say in the face of the Republicans of Polk County, that they will admit men as delegates in this Convention to nominate Republican candidates for County officers and to elect delegates to the Republican Congressional, State and Judicial Conventions, who have been elected as the delegates named in the report were.

That record discloses that Thomas Parker, an openly avowed Greeley man, was the man who organized the convention by moving that M. L. Devin be appointed President of the meeting. Thomas Parker, whose sense of honor did not keep him away from a Republican meeting when he was a

member of another party, but who had the manliness to avow his support of Greeley and Brown. — Thomas Parker takes charge of the organization of the Republican primary meeting of Bloomfield township. On motion of Thomas Parker, M. L. Devin was appointed temporary chairman, and Mr. Thomas Parker, the avowed Greeley man, as this statement further recites, proceeds with the organization by moving that Wm. Drake (a man who openly proclaimed at that meeting that he would vote for neither Greeley nor Grant), should be elected one of the Judges of the election.

(A VOICE — No, that is not so.)

MR. WITHROW — Well, who did make the motion that Mr. Drake should be one of the Judges?

(A VOICE — Joseph Davis.)

MR. WITHROW — Very well, I will ask if Joseph Davis is not a Greeley man?

MR. DAVIS — You are a liar!

(Hereupon Joseph Davis sprang to his feet in an excited manner and started toward the speaker. Several persons took hold of him. A large number of persons in the crowd outside the bar joined in cries of denunciation of the speaker, such as "put him out," "knock him down," "make him shut up," and similar phrases. During the excitement Mr. Withrow maintained his position on the floor. After the noise somewhat subsided:)

CAPT. I. N. THOMAS said I have no knowledge of how long a man is entitled to speak here. Mr. Withrow may speak for two hours. He may take up two hours of this Convention, and probably will do it. I suggest that he be limited.

MR. WITHROW — I have the floor. Now as the gentlemen of the Convention over there have cooled down I will explain why I asked that gentleman if he was not a Greeley man.

JOSEPH DAVIS — You said I was a Greeley man.

MR. WITHROW — I asked whether you were a Greeley man.

MR. DAVIS — Its a lie.

MR. WITHROW — I will leave it with the gentlemen of this Convention. They recollect what I said. I did not ask the question without reason. I submit to the Convention the following document placed in my hands to-day:

DES MOINES, IOWA, Aug. 10, 1872.

*To Whom it may Concern:* — Some three weeks since I had a



conversation with Joseph Davis, of Bloomfield township, Polk county, Iowa, in which conversation he (Davis) declared himself in the strongest and most emphatic terms in favor of the election of Horace Greeley to the Presidency of the United States, and as bitterly opposed the election of Gen. Grant.

I make this statement for the reason that I am informed said Davis will claim a seat in the Republican County Convention of Polk Co., to be held to-day, as a delegate from Bloomfield township, and as a Republican. I protest against his admission.

JONATHAN B. HUSTEN

Delegate from Valley Township.

JOSEPH DAVIS — It is a lie from beginning to end.

MR. WITHROW — Why is it that he is so irritated by the mere question as to the genuineness of his republicanism, while he manifested no feeling while consorting with Greeley men in organizing and managing the Republican primary in Bloomfield township? Why is it that the gentlemen on the other side are so excited when the question is raised as to the admission of Greeley men to seats in this Convention? Take their own version of this, and let it be that either Davis or Parker moved the appointment of Drake as one of the judges — that does not alter the question. These papers show that Drake avowed that he would vote for neither Grant nor Greeley and yet he presided as one of the judges of the election at this primary meeting in Bloomfield.

This statement is made under oath and not contradicted. There is not a syllable of contradiction, nor an intimation of a contradiction, to say nothing about a denial made under oath. A Liberal Republican placed in a judge's seat to determine the qualifications of Republicans to vote at their own party primary meeting! Is it possible that among the Republicans of Bloomfield township there were not two men who intended to vote the entire ticket, with sufficient intelligence to act as judges of a Republican primary election?

Let us look a little further at this statement. (Reads.) The following resolution was offered by Wm. Deford:

*Resolved*, That straight Republicans only are entitled to vote at this Convention, excluding all Democrats and Liberal Republicans.

Now they say that they know of but one Greeley man who voted, I understand. Why was this resolution not adopted, if it would exclude but one? The meeting failed to adopt.



CAPT. I. N. THOMAS — I call the gentleman to order. The question is upon accepting the report of the Committee on Credentials. I claim that the gentleman has no right to speak in this Convention until he is accepted as a delegate in this Convention, and nobody has a right to speak on the reception of it —

(Here the supporters of Mr. Kasson outside the bar commenced groaning, hissing and yelling, demanding that Mr. Withrow should "sit down," "be put out," &c. This continued for several minutes, MR. FRANK BUTLER, a delegate from Des Moines, attempted to address the President, but the yelling of the crowd prevented his being heard.)

MR. WITHROW kept possession of the floor, and when the noise subsided so he could be heard, continued.)

I have lived in this community for fourteen years to little purpose if these gentlemen don't know that I can't be howled down by men brought here for that purpose. I have this floor; am as duly entitled to a seat in this Convention as any man here, and I propose to be heard.

(Continued groans, howls, and cries of "down," — "put him out" — during which the speaker kept his position.)

MR. JORDAN — I ask what is before the house? (Great confusion.)

THE CHAIRMAN — Order! keep order, gentlemen! order! It will be through quicker!

MR. WITHROW — If I have no right to speak here I would like to know what right any other gentleman has?

MR. CHAIRMAN — You have a right, but you have no right to be personal. Order! Order! Mr. Withrow has the floor if he speaks to the question.

MR. JORDAN — This controversy is all out of order.

MR. CHAIRMAN — Mr. Withrow has the floor if he talks to the question. (Constant cries of *down!* and groans.)

MR. WITHROW — I was told before I came into this hall that three hundred men would be brought here to howl me down. It *shall not succeed* — I *will* address the Convention.

(The confusion and cries of down were renewed. When it subsided the speaker continued.)

The question is, whether or not the names of the delegates from Bloomfield reported by this Committee, should be stricken out and the names of J. P. French and Ben. F. Jones inserted in their stead. (Confusion.)

I am endeavoring to show that the delegates from Bloomfield reported by this Committee as entitled to seats were not elected at a Republican meeting, but that Mr. Jones and Mr. French were elected by Republicans at a Republican meeting, and are entitled to seats on this floor as delegates from Bloomfield township.

(Cries of "Down" "Down," "put him out," from the Kasson side.)

I propose to have the question settled whether or not a Republican, in a Republican Convention can discuss the right of a Republican to control a Republican primary meeting.

Mr. Parker offered his vote at that meeting, and upon a challenge being made the question was raised as to his right to vote, on the ground that he was a supporter of the leader of the Democratic ticket; and the judges of the election ruled that he was entitled to vote because he *had* voted the Republican ticket, and they permitted him to vote and invited all others like him to vote at the meeting.

This is not contradicted. On the contrary it is sustained by the certificate of the officers of that meeting. It is sustained by the affidavits of citizens of Bloomfield township, who are as respectable, and whose veracity and integrity is as unquestioned as that of any gentleman on the other side of the house, and this is saying nothing disparaging to them. Thomas Parker, who openly and publicly declared at that meeting that he would support, not Grant and Wilson, who are placed at the head of the Republican ticket, but Horace Greeley, the nominee of the Liberal-Republican and Democratic parties for the Presidency, was one of the ruling spirits. And now, I ask this convention, do you want to open the doors to the admission of men to seats as delegates in a Republican County Convention and in the Congressional and State Conventions, who *are not* members of our party, and who declare that they *will not* be at the next election?

Let us see where this will end if tolerated: E. L. Burnham, a member of the Republican County Central Committee, was President of the last Liberal County Convention held in this city, as I am informed; (I was not present, but make the statement upon information given by others) a delegate to the last Liberal State Convention, and one of the committee appointed by the Liberal State Convention to wait on the Democratic State Convention and inform it that the bride was ready for the marriage ceremony. (Cheers and laughter) E. L. Burnham who assisted in making a platform for the Liberal party, and who, if he is an honorable gentleman,

must support the nominees of that party (and I believe he is honorable enough to do that), offered his vote to the Republican Primary in Valley Township and desired to assist in nominating a ticket he will oppose [at] the polls.

COL. CLARK — I call the gentleman to order. He has no right to be personal in his remarks.

MR. WITHROW — Mr. Parker would do the same thing that Burnham has done and is doing.

(At this point Col. J. M. Griffith worked his way to Mr. Brandt, near the center of the Convention, and was whispering in his ear.)

MR. WITHROW — I trust the Chairman of the Committee on Credentials will profit by the suggestions being whispered to him by a distinguished Liberal.

COL. J. M. GRIFFITH (very excitedly) — He never presided at a Liberal Republican meeting, and never bolted a Republican ticket as you did last fall.

(Thereupon the friends of the Colonel succeeded in drawing him back into the crowd of delegates and Liberals on the south side of the room.)

MR. WITHROW — Is it not singular that when I stir up the other side of the house I stir up the Liberal Republicans with them?

COL. GRIFFITH (emerging from the crowd into which he had disappeared) — It is because you stir up honest men with them.

(He then pronounced an incoherent eulogy on Kasson and was again drawn into the crowd.)

THE CHAIRMAN — (To Mr. Withrow.) Speak to the question or sit down.

MR. WITHROW — I thank the Chairman for his courtesy. I was remarking that Mr. Parker would do precisely — (more confusion) — The end of this speech will be reached sooner if order is maintained than otherwise — for it will be proceeded with to the end in any event. I was remarking that Mr. Parker could do precisely what Mr. Burnham has done. The Liberals and Democrats have nominated a State electoral ticket, and in that nomination they have had a voice. They have nominated a State ticket. This Convention will appoint delegates to a State Convention to nominate Presidential electors and a ticket of State officers. The Liberal Republicans will not, as they avow, support the Presidential electors — they cannot support two tickets. Should they have a voice in the nomination of two?

Is it fair, is it right that any citizen should have the privilege of being represented in both parties, the right to be represented on two opposite tickets, when it is morally and absolutely impossible for him to give his support to both of them? I want this presented as a test question. I want the Republicans of Polk county to come up and meet the question squarely, and go upon the record as they are willing to appear before the entire State.

I want the question settled as to whether Greeley Republicans are a part of the Republican party; whether they have a right to assist us in making nominations simply because they *have* voted our ticket once, but intend to vote it no more. That is the question, and blink it as you will, act upon it under excitement as you may, resolve that you will accomplish certain purposes by foul or by fair means, you must stand before the Republicans of the State with the record you make to-day, for we give you notice now that the record you make here to-day shall be submitted to the Republican party of the State.

I might enter into a discussion of the cause of the interest which the Liberal Republicans manifest in this Congressional nomination, as developed by Mr. Greeley's selection of leaders in this State —

MR. CHAIRMAN — This is out of order.

MR. WITHROW — I yield to the ruling of the Chair, the more cheerfully because the matter is well understood by the members of the Convention. I have submitted all that I desire to say to the Convention.

MR. BRANDT — I can't make a speech and don't intend to, and would not if I were able to speak, but I will say if there are any other gentlemen who wish to speak I will yield the floor for them to do it now, but I intend to move the previous question. I will quit the floor now.

MR. DAY — I suppose that the action of the Republicans of Lee Township will come up at the proper time. However, I presume that the previous question will take all the papers with it, that is, before the meeting.

MR. WITHROW — The previous question brings the Convention to a vote on that report.

MR. BRANDT — I will give the gentleman, all gentlemen, all the time they want to talk.

MR. WITHROW — I appeal to the gentleman whether or not it is fair for him as Chairman of the Committee, and as a member of a delegation whose seat is contested, to attempt to cut off, by moving the previous question,



the right of a delegate to speak, and to make a motion to amend the report as to Lee township. There is one amendment now pending and no further motions can be made until it is disposed of. The previous question would cut out a motion to amend as to Lee township.

MR. BRANDT — We will let them talk as much as they intend to. I recollect that my friend broke into a convention two years ago, and made a speech. He wanted to make a speech and I wanted to hear him make it, for he can make a good speech to a good audience, but he don't usually do it when he speaks of his own accord. I wish to state most emphatically that a majority was in favor of the delegates we reported from Bloomfield. I will state again, that under this resolution, and allowing every one there a vote, we found that one set of delegates got 26 votes, whereas it appears that some of them voted twice, but putting them altogether we find that there was then a clear majority in favor of the delegates we have reported in favor of.

MR. BUTLER — If these gentlemen are counted twice, may they not be counted on the other side twice?

MR. BRANDT — They are *checked* in relation to the matter. They may have voted the other way. These are simply the facts in the matter that the committee have found.

(Laughter and cheers by those who had attempted to howl Mr. Withrow into his seat.)

MR. BRANDT — This hallooing and hooting is not done by Republicans; it is Greeley men outside that have gathered here to try to disrupt the Republican convention. They have gathered here to try to disrupt us and drive Republicans into their ranks. I see honest Democrats and Greeley men standing out there that would not do such a thing, and do not countenance it.

Let us go on with our convention, and whoever is successful, God bless them!

I now move the previous question.

A VOICE — I second the motion.

MR. WITHROW — I ask for a decision from the Chair as to how many votes are necessary to second a call for the previous question.

(The Chair hesitated.)

MR. BRANDT — (In an undertone to the Chairman) — A majority of those present. (Laughter.)



THE CHAIRMAN — All those in favor of seconding the previous question rise up.

MR. WITHROW — I desire the vote to be taken by townships.

MR. BRANDT — It is against Parliamentary usage, but as he desires the roll call let it be done.

MR. DAY — We wish to be heard upon the communication from Lee Township, in reference to the contested seats of delegates from that township. If the previous question is sustained, does it not preclude our being heard on that matter?

THE CHAIR — I don't understand that it has anything to do with the question of Lee township.

MR. DAY — If that is the understanding, it is satisfactory to us.

MR. WITHROW — If the previous question is ordered, does it not bring the Convention to a vote on the adoption of the report?

THE CHAIR — It brings them to a vote on the adoption of the report of the Committee on Credentials.

MR. WITHROW — Do you understand that after the report is adopted any motion in regard to the Lee township matter can be heard?

MR. BARTON — I understand that then all the delegates we reported back as delegates to this Convention will take their seats as delegates to this Convention.

THE CHAIR — That is the understanding that I have of it.

MR. BARTON — The Committee acted honestly in this matter. The Committee has a communication before them asking to have the delegates from this township (Des Moines) excluded on account of the proceedings at the primary meeting here. If we would take the history of all these primary meetings and exclude the delegates elected because persons had voted at these meetings who have not voted, or will not vote, the entire Republican ticket one-half of the delegates would be excluded, but we want every man to have his right on the floor. The committee reported Mr. Withrow as proxy and was perfectly willing for him to have a seat in this Convention, notwithstanding he was not elected to a seat in this Convention.

MR. WITHROW — What is the question before the Convention?

THE CHAIR — The question is whether the Report of this Committee on Credentials shall be received and adopted.

MR. WITHROW — When was this previous question seconded? How does the Chair get around taking a vote on the motion to amend? Does the

Chairman intend to allow *one* member of this Convention to order the previous question? Is that the style of Parliamentary law we are to have in this Convention? (Laughter.)

THE CHAIRMAN — The Secretary will call the list of townships.

THE SECRETARY — Allen, 2 votes (1 aye, 1 no); Beaver, 4 votes (aye); Bloomfield, 2 votes (aye).

MR. WITHROW — I object to Bloomfield voting upon this question. These delegates have a direct interest in the decision on this question.

THE CHAIRMAN — (To the Secretary) go on with the call!

THE SECRETARY — Camp, 3 votes (no.).

MR. WITHROW — Was Bloomfield township called? If so, what was the vote?

MR. SECRETARY — I didn't hear any vote.

MR. BRANDT — It has voted several times, aye. Stand up and vote.

A VOICE — Aye.

MR. SECRETARY — Crocker, 3 votes (aye); Delaware, 2 votes (aye); Des Moines, 16 votes (no); Douglas, 2 votes (aye); Elkhart, 2 votes (one aye, one no); Four Mile, 2 votes (aye); Franklin, 2 votes (no); Grant, 2 votes (aye); Jefferson, 2 votes (aye); Lee, 9 votes (aye).

MR. DAY, of Lee — I object to Lee township voting until these papers are presented and acted upon by this Convention.

(Cries of Order! Order! Howls and yells.)

THE CHAIRMAN — Order! Order!

(The Secretary completed the roll call.)

MR. WITHROW — I desire now to raise a point of order before any announcement of the vote is made, for the purpose of appealing from decision of the Chair, if the ruling is adverse. I object to the persons reported by this committee as delegates from Bloomfield township voting on this question, for the reason that they are not entitled to vote until the contest is settled as to who are the delegates from Bloomfield.

MR. BARTON — That would exclude Des Moines township.

THE CHAIRMAN — Each township must vote, there is no Convention without that! (Laughter and cheers.) Otherwise you might shut off all the votes for sustaining it. (Laughter.)

MR. BRANDT — Does the gentleman appeal from the decision of the Chair?

MR. WITHROW — I certainly do on that vote.

MR. BRANDT — I move that the Chair be sustained in its decision. Seconded.

MR. WITHROW — What is the question now before this Convention?

MR. BRANDT — The question is now upon sustaining the decision of the chair in relation to the vote of the delegates from Bloomfield township. Those who wish to vote in favor of sustaining the chair, of course will vote *aye*; those to the contrary *no*.

(Great laughter and cheers, with cries of take the chair! take the chair! Why don't you take the chair?)

The roll of townships was then called and the vote taken. The chair announced the vote to be yeas 42, nays 26. (Cheers.)

THE CHAIRMAN — The next thing is to vote upon the main question, as to whether the report of the committee shall be adopted or not. The Secretary will call the roll.

MR. WITHROW — I think the motion to amend is now in order.

THE CHAIR — The vote will be taken on the amendment of Mr. Withrow. What was that amendment?

MR. WITHROW — My motion is to strike out the names of Davis and Kindred reported as delegates from Bloomfield township and insert instead thereof the names of Ben. T. Jones and J. P. French.

THE CHAIR — The Secretary will call the roll of townships and delegates will vote on the question.

The roll was called and the vote announced by the Chair to be: Ayes, 28; Noes, 42.

MR. WITHROW — What is the question now before the convention?

THE CHAIR — The question is, whether the report of this committee be adopted. All in favor of the adoption of the report of the Committee vote *aye*.

VOICE — Aye, aye, aye, aye.

THE CHAIR — Call the roll!

A DELEGATE — What is the question?

THE CHAIR — The question is upon the adoption of the report of the committee.

The vote was taken and the Chair announced 43 in favor of the adoption of the report and 27 against it.

MR. BANNISTER — I move the temporary officers be declared the permanent officers of this Convention. Seconded. The motion prevailed. . . .

COL. CLARK — I move that the Convention now proceed to select fourteen delegates to the Republican State Convention. Adopted. Col. Clark presented the following names:

John A. Kasson	Jno. A. Elliott
Hoyt Sherman	G. W. Edwards
J. C. Jordan	M. Talbot
I. Brandt	Geo. Lendrum
M. L. Devin	W. H. Davis
D. C. Marts	A. J. Barton
Wm. Justice	M. L. Devin [sic. repetition]

Mr. Withrow presented the following names:

George G. Wright	B. F. Allen
Frank W. Palmer	Thomas F. Withrow
C. C. Nourse	C. H. Gatch
Thomas Mitchell	James Smith
Frank Nagle	Smith Kingman
D. Brown	J. M. Day
A. H. Botkin	A. L. F. Mower

MR. CHAIRMAN — Those in favor of Clark's delegates will say "aye" and those in favor of Withrow's delegates will say "no." (Uproarious laughter — the Chairman looking puzzled.)

The delegates presented by Col. Clark were elected by a vote of 40 to 30.

MR. BRANDT — I move that we proceed to the election of delegates to the Congressional Convention.

The following names were presented:

Samuel Merrill	Geo. W. Edwards
J. C. Jordan	Isaac Brandt
A. Elliott	Geo. H. Maish
Ezra Plummer	N. R. Kuntz
Wm. Ellyson	G. M. Walker
Rev. Dimmitt	Ed. Parmenter
L. W. Dennis	John Hnnter

Mr. Withrow presented the following names:

B. F. Allen	J. B. Miller
Thos. F. Withrow	C. C. Nourse
W. F. Thompson	Hector Mason
Col. R. K. Miller	C. A. Johnson
C. D. Persons	J. C. Taylor
J. E. Fagan	M. H. King
A. Christy	John A. Fleming

MR. WITHROW — Before we proceed to vote, I would like to ask my

friend what assurance he has that Gov. Merrill [Samuel Merrill had been governor of Iowa from January, 1868, to January, 1872], at the head of his ticket, will vote for Grant and Wilson.

MR. BRANDT — Gov. Merrill will vote for Grant and Wilson; he told me so himself, and that no matter whether anybody else might say otherwise, that he would vote for Grant and Wilson every time. (Cheers.)

MR. WITHROW — Gov. Merrill, when his vote was challenged at the Republican primary last Saturday would only reply that "if he should vote to day he would vote for Grant," but would not say he would do so in November. Further than this, a State officer only a few days ago, called Gov. M's attention to statements in the press that he was a Liberal, asked him what truth there was in it. The Governor replied that he knew of it, but had taken no pains to deny it; that he didn't know where he would stand.

The vote on delegates to the Congressional Convention stood 40 for the delegates nominated by Mr. Brandt, and 30 for those nominated by Mr. Withrow.

MR. WITHROW — I desire to offer a resolution and submit it to a vote without discussion on our side if there is none on the other.

(He then read the following resolution, without the words in brackets:)

*Resolved*, That the action of any officers of primary meetings in permitting persons to vote who were known to be supporters of Greeley and Brown for the Presidency and Vice Presidency [or of any persons who refuse to support the State or National, District and County Republican tickets at the next election] was in violation of the call of the State Central Committee, was a wrong and outrage upon the Republicans of the county, and receives the unqualified disapprobation of this convention.

MR. BRANDT — I second the motion for the adoption of the resolution.

MR. JORDAN — I wish to amend the resolution so as to include all bolters and Democrats.

MR. BRANDT — Do you accept the amendment?

MR. WITHROW — I am willing to include all persons who don't intend to support the entire Republican ticket at the next election, or all not within the terms of the call of the State Central Committee.

(The resolution was then returned to Mr. Withrow, who inserted the words in brackets after which it was read to the convention.)

MR. BRANDT — I now move the adoption.



MR. WITHROW — I have already moved its adoption, you can have permission to second it.

MR. BRANDT — I do second it.

The resolution was adopted unanimously.

MR. WITHROW then offered the following resolution and moved its adoption.

*Resolved*, That the action of the officers of the primary meetings in Bloomfield and Lee townships in permitting persons to vote who were known to be supporters of Greeley and Brown for the Presidency and Vice Presidency of the United States was in violation of the call of the State Central Committee, and a wrong and outrage upon the Republicans of the county, and receives the unqualified disapprobation of this Convention.

MR. BRANDT — I second the motion.

MR. JORDAN — I move to amend by adding: "And Des Moines Township by allowing those to vote who were known to be Democrats and Greeley Republicans."

MR. WITHROW — Does the gentleman say that the judges in Des Moines Township permitted parties to vote *knowing* them to be Liberals and Democrats.

MR. JORDAN — I say they permitted Democrats and bolters to vote.

MR. WITHROW — Everybody who knows anything about the matter knows that they refused to receive the votes of such persons when they were known to be such.

(While Mr. Withrow was speaking the Secretary commenced to call the roll. He continued:)

I ask the Chair to state the question pending before the Convention.

THE CHAIRMAN — Go on with the call.

MR. WITHROW — To ask the Chair to state the question so that our delegation may know what they are voting on, is certainly a trifling request.

THE CHAIRMAN — It has been stated three or four times. Go on with the call!

SEVERAL VOICES — State the question.

THE CHAIRMAN — Will Mr. Jordan state the question?

MR. JORDAN — The question is on the motion to add to what you have already read, "And Des Moines township in permitting those known to be Democrats to vote."

MR. BRANDT — "And Greeley Republicans."

MR. WITHROW — That the judges at the Des Moines township primary permitted Democrats to vote?

MR. BRANDT — Yes; and Greeley Republicans.

When the roll was called, the Des Moines township delegation voted "No," assigning as the reason that the statement embodied in the amendment was false. The vote resulted — 39 yeas, 27 nays.

The question on the adoption of the original resolution as amended was then taken. Des Moines township voted "no," assigning as a reason that as amended the resolution was a libel upon the judges who conducted the Des Moines township election. The vote resulted — yeas, 45, nays 25.

[Nominations for various county offices were then made, and a county committee was appointed. John A. Kasson, the congressional candidate of Brandt and his wing of the convention, was then called from "a room below" and made a short speech supporting Grant and Wilson, an obvious effort to refute the Withrow followers who had accused him of Liberal leanings.]

DOCUMENT  
IOWANS IN SOUTHERN PRISONS, 1862  
*Edited by Mildred Throne\**

After the battle of Shiloh at Pittsburg Landing on the Tennessee River, April 6-7, 1862, some 1,000 Iowans from the 8th, 12th, and 14th Regiments were listed as "captured or missing."<sup>1</sup> Late in the afternoon of the first day of the battle these three Iowa regiments were among those surrounded in the bitter fighting at the "Hornet's Nest" or "Hell's Hollow" and forced to surrender, together with General B. M. Prentiss, commanding at that point. The prisoners were hurried back toward Corinth and thence to Memphis, from where they were sent by train to Mobile. There the officers were separated from the privates, each group being sent to separate prisons.

Among the prisoners there were about 400 from the 12th Iowa; about 50 of these were from Company D. Many years later the surviving members of Company D decided to prepare a history of their company and assigned the task to Erastus B. Soper.<sup>2</sup> Working from diaries and letters of the members of the Regiment, Soper, between 1885 and 1903, prepared a lengthy history of the company and had it typed up and bound in a large volume. He wrote most of the account, but several members of the company prepared some of the chapters. This document, now in the possession of Harlan Soper of Emmetsburg, Iowa, was loaned to the Society recently, and it is from this work that the following accounts of the imprisonment of the men of Company D have been taken.

The first part, written by Private Byron Plympton Zuver<sup>3</sup> of Mason City,

\*Mildred Throne is associate editor of the State Historical Society of Iowa.

<sup>1</sup> *War of the Rebellion . . . Official Records . . .* (Washington, 1884), Series I, Vol. X, Part I, 101. (Hereafter listed as *Official Records*.)

<sup>2</sup> Erastus B. Soper of Fairview, Jones County, enlisted in the 1st Iowa (a three-months enlistment) on Apr. 24, 1861, at the age of nineteen. Mustered out on Aug. 21, 1861, Soper re-enlisted on Sept. 20, 1861, as Second Sergeant of Company D, 12th Iowa. *Roster and Record of Iowa Soldiers . . .* (6 vols., Des Moines, 1908), 1:77, 2:525. (Hereafter listed as *Roster and Record*.)

<sup>3</sup> Zuver enlisted at the age of twenty as a private, was captured at Shiloh, re-enlisted in 1864 and was thereafter promoted through the various stages of corporal to Fifth Sergeant. *Ibid.*, 2:550.

describes the fate of the privates in their various prisons. Since this was only the beginning of the second year of the war, conditions in the South were much better than in 1864-1865, and the prisoners were treated fairly well. The second part was written by John H. Stibbs of Cedar Rapids, the captain of the company at the time of its capture. After returning to his regiment Stibbs was promoted to major and then to lieutenant colonel in 1863 and finally, in 1865, to colonel. He had also served as first sergeant of Company K in the 1st Iowa before enlisting in the 12th.<sup>4</sup>

The material is reproduced here exactly as typed, except for obvious typographical errors, but the punctuation, with a too-liberal sprinkling of commas, has been modernized to make the reading easier.

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PRISONER OF WAR, BY B. P. ZUVER

As soon as the surrender was complete,<sup>5</sup> the firing in our vicinity ceased, and, while awaiting orders to move off the field, our boys entered into conversation with the Regiment in our immediate proximity, which proved to be the 1st La. Inf'y, a body of well dressed and well appearing men. From them it was learned that the Regiment we had met and dispersed from our rear at Hell's Hollow was the 2nd Miss. Tigers, and that Gen. Johnston<sup>6</sup> had been killed. They also pointed out to us the confederate Gens. Beauregard, Hardie [sic] and Polk,<sup>7</sup> and had considerable to say (intending probably, to be complimentary) about our not being Yanks, and that our fighting had cost them a man for every one of us captured. As we moved to the rear, we met troops pushing forward towards the front, but the explosion of shells from the gun boats,<sup>8</sup> caused the lines occasionally to

<sup>4</sup> *Ibid.*, 1:78, 2:526.

<sup>5</sup> Prentiss surrendered the troops under his command at about 5:30 in the afternoon of April 6, 1862. *Official Records*, Series I, Vol. X, Part I, 279.

<sup>6</sup> General Albert Sidney Johnston, commander of the Confederate forces, was killed early in the afternoon of April 6, the first day of fighting. See Joseph W. Rich, "The Death of General Albert Sidney Johnston on the Battlefield of Shiloh," *IOWA JOURNAL OF HISTORY AND POLITICS*, 16:275-81 (April, 1918). For a graphic description of this battle by a member of the 15th Iowa, see Mildred Throne (ed.), "The Civil War Diary of C. F. Boyd, Fifteenth Iowa Infantry. Part I," *IOWA JOURNAL OF HISTORY*, 50:70-82 (January, 1952).

<sup>7</sup> G. T. Beauregard, second in command at Shiloh, succeeded Johnston after the latter's death. Lieut. Gen. William J. Hardee commanded the Third Corps of the Confederate forces, while Maj. Gen. Leonidas Polk commanded the First Corps. *Official Records*, Series I, Vol. X, Part I, 2.

<sup>8</sup> Grant had two gunboats, the *Tyler* and the *Lexington*, in the Tennessee River at Pittsburg Landing. He gives them much credit for stopping the last push of the

stagger and stragglers to hunt for a safer retreat. We were constantly reviled and taunted with all manner of vile epithets from these so called chivalrous sons of the South; but, owing to our peculiar situation, we had little to say. Still the boys did tell them that their boasts of driving Grant and his army into the Tenn. River were vain; and declared that, on the contrary, they would be hunting their back tracks before that time on the next day; all of which they received with howls of derision.

That night we stopped near Monterey, seventeen miles from Corinth, and were guarded all night in what had been the previous year a cornfield. We were without food or shelter and exposed to the rain; the mud was deep, and the marching had been fearful. Here we left Thomas Barr [of Shellsburg]. He was shot through the thigh and could march no further. We afterwards learned that three days later he escaped from a field hospital where there was mostly rebel wounded, and reported at Camp. At this place, the officers and men were required to turn over their side and personal arms. Lt. Hale [Hiel Hale of Cedar Rapids] took his revolver apart and gave Boughton [Judson L. Boughton of Cedar Rapids] the cylinder, which he concealed in his canteen, splitting it open for that purpose, and closing it up; Gephart [Perry Gephart of Cedar Rapids] laid his upon the pile; all offers of the boys to carry it and take chances of detection were declined. A squadron of rebel Cavalry, in the morning, came rushing into town determined to shoot the prisoners rather than permit them to be recaptured. They erroneously supposed themselves pursued by a force of Federal Cavalry. But the scare was soon over, and we took up our muddy march toward Corinth, where we arrived about the middle of the afternoon and halted in the street near the depot, while the train was being made up to give the "Yanks" a free ride; while waiting, the corpse of Gen. Johnston, with its guard, passed through our lines. This gave occasion for much angry talk on the part of the citizens. Wherever we went during the whole trip South, the people flocked to see us, manifesting the keenest curiosity and most malignant hatred. Finally we were loaded in freight cars and, late at night, pulled out on the Memphis & Charleston road toward Memphis, arriving at Grand Junction, Tenn., about noon. At La Grange, about three miles from there, we were held three hours, while trains loaded with troops from Island No. 10 on their way to Corinth passed by. . . . Speeding on,

Confederates toward the Landing late in the afternoon of the first day's battle. *Ibid.*, 109.



at a moderate pace, the train was run into the M. & C. depot at Memphis on the evening of April 8th, where we found about all of the population of the city awaiting us. "Heres your mule" the gamins sung out. We unloaded ourselves from the box cars and were marched to the "Bradly Block," a large brick Tobacco Warehouse near the river, and there given quarters for the night. A few gunny sacks found in the building were speedily converted into blankets or rather something that could be used as a substitute for them.

From our prison windows the Mississippi River and the Arkansas shore were in plain view. Steamers, flying the Confederate flag, were plying on the river, and the rebel gunboat, Gen. Bragg, under construction, was moored just below us.

On the morning of the 9th the prisoners received a ration of boiled ham and hard bread, the first food since breakfast the morning of the 6th, except what the boys had stolen from their guards or what had been smuggled to them by sympathizers among the citizens. About eight A. M. they were marched into the streets and thence to the depot; during the march and while waiting at the depot, they found many sympathizers who surreptitiously conveyed to them provisions and tobacco in considerable quantities, greatly to their relief and comfort. Again they boarded the train and set out on their Southward journey. On the tenth they reached Granada, and changed cars to the great Northern R. R., arriving at Jackson, the capital city of Mississippi situated on the banks of the beautiful Pearl River, on the morning of the 11th. The railway runs through the central portion of the city. From the R'y prison doors the city, with its fine residences and spring flowers and verdure, looked beautiful. Across the tracks from the depot was a fine hotel, the "Confederate House." The train stopped in front of the Hotel, and the guards, an aristocratic organization called the Memphis Home Guards, sang, for the edification of the crowd or the admiration of the ladies in the Hotel balcony, the "Bonny Blue Flag." Bands of music from the piazzas of the Hotel continued for hours to discourse the same, to them, patriotic airs, with Dixie occasionally thrown in for a variety, while the lower order of the populace swarmed around the cars bandying epithets and abusing the "Yanks." They could not, however, peal any bells, as they had previously devoted them to be cast into Cannon. The prisoners did not leave Jackson until near midnight and then on the Meridian and Jackson R. R., arriving

at the former place about ten A. M. of the 12th, when exchange of cars was made, and at three P. M. left for Mobile, Ala., via the M. & O. R. R., where they arrived after dark the evening of the 13th of April, 1862. The principal incidents of this trip, as remembered after a lapse of more than twenty-five years, are: an altercation between Corporal Stibbs [Joseph Stibbs of Cedar Rapids, brother of Capt. Stibbs] and Private Whittam [John J. Whittam of Cedar Rapids] settled by the Capt. without serious damage to the participants, or breach of discipline [sic]; Orderly Serg't Hilton's<sup>9</sup> buying a bunch of young onions and dividing among the boys by the bite; and the refusal of our gentlemanly guards to give us, without proper orders, any of the quantity of sugar scattered about the broken hogsheads on the platform at Meridian.

At Mobile the prisoners parted company with the Memphis Home Guards, and their places were taken by a like organization from Mobile. The cars were soon unloaded of their living freight, and the boys divided into squads or divisions to be sent to different points. Co. D boys determined, as much as possible, to remain together and so arranged themselves. Commissioned officers, Capt. Stibbs and Lt. Hale among the number, were first taken out; then the wounded and sick; many of the latter, however, evading the vigilance of the Surgeon, preferring to remain with their comrades rather than take their chances in rebel Hospitals and among strangers. After thus separating the prisoners, the different squads were marched to the wharf and placed on steamers. The enlisted men [of] Co. D succeeded admirably in keeping together. Capt. Stibbs and Lt. Hale were sent to Selma, Ala., with other captured officers. Corp'l's Moorhead [sic. Homer C. Morehead of Cedar Rapids] and Pangborn [Howard Pangborn of Shellsburg], and Privates Snell [Louis Snell of Cedar Rapids], and Tarpenning [James M. Tarpening of Shellsburg] wounded, and Lutz [William B. Lutz of Cedar Rapids], sick were sent to Macon, Ga., where Snell subsequently died in prison hospital from the effects of his wound and want of proper care. The remainder, forty two in number, were put on board the steamer Alice Vivian and the next morning pulled out from the great Cotton Mart of the Gulf into the Mobile River and glided thence up to the confluence of the Tombigbee with the Alabama River, thence up the former to its

<sup>9</sup> Sergeant Robert W. Hilton of Shellsburg. Hilton was the only member of Co. D who took the oath of allegiance to the Confederacy while in prison. His story is told at the end of Capt. Stibbs's account. *Roster and Record*, 2:468.

confluence with the Black Warrior, and then up the latter over tree tops, across bends in the stream past Demapolis to Tuscaloosa; at every town and wood yard along the river the calliope screeched, in tones of C flat, "Dixie Land." The steamer during the night of the 16th tied up at the landing at Tuscaloosa. The water in the Black Warrior, as denoted by the gauge on the bridge, was at that time sixty feet above ordinary stage.

On the morning of the 17th the notorious Henry Wirz,<sup>10</sup> a Swiss by birth, a hyena by nature, a tool of Winder and his thieves, ranking as a Sergeant in the rebel army, with a squad of confederate soldiers relieved the Mobile Home Guards and took charge of the prisoners. Both the Memphis and Mobile Guards had treated the prisoners as men and having some claim upon them for decent treatment, and their conduct and behavior towards them showed themselves to be gentlemen, but when Wirz took charge there was nothing but an evident purpose to pander to the malignant hatred of the prisoners indulged in by his employers by most cruel and tyrannical administration of prison rule and discipline. From the Steamer the boys, under heavy guard, surrounded by a hooting and exultant populace, marched to the several prisons assigned them. In making this distribution Co. D was separated into two squads; one squad, numbering eighteen, was put with many others into a large building formerly used for a paper mill on the river bank, while the other, numbering twenty four, was taken into the city and confined with many others in the old capitol, a large brick building, which had been used as a state house when Tuscaloosa had been the capital city of Ala. The Co. D boys were assigned, in the old capitol building, two rooms fourteen feet square, twelve to a room, one fronting on the street, the other immediately in its rear. Originally, one of the 8th Iowa boys had been put in this room, and Orderly Serg't Hilton put also here, but an exchange was afterwards affected [sic], and Hilton put in with the Co. D boys. Other prisoners were put in a brick

<sup>10</sup> These comments on Henry Wirz, the notorious commander at Andersonville prison in 1864, are no doubt colored by his later career. After the war Wirz was arrested, tried, and hanged for his treatment of the Union prisoners held at Andersonville. General John H. Winder, also referred to here, and his son Captain W. S. Winder, were Wirz's superiors. See William B. Hesseltine, *Civil War Prisons, A Study in War Psychology* (Columbus, Ohio, 1930), 133-58 (for Andersonville), 235-45 (for trial of Wirz). Also, for trial of Wirz, see *Official Records*, Series II, Vol. VIII, *passim*; and N. P. Chipman, *The Tragedy of Andersonville: Trial of Captain Henry Wirz, The Prison Keeper* (n. p., 1911). General Chipman, judge advocate of the military court that tried Wirz, was an Iowan, originally with the 2nd Iowa.

building across the street from the old State house. Within fifteen minutes from the time the prisoners [arrived], two men, of whom one was deaf, were shot for putting their heads out of the windows, and that too before the rules governing the conduct of the prisoners had been communicated to them. The prison rules were, however, posted in the building and on the principal that ignorance of the law excuses no one, the poor devils were shot.

In the state house were prisoners captured at Belmont, Ft. Donelson, and other places, as well as sailors and some forty political prisoners from East Tenn., and among them Parson Brownlow, a man of National reputation.<sup>11</sup> Acquaintances were sought among them and, in some instances, found; Zuver found in two 7th Iowa prisoners old acquaintances of northern Iowa, among them Andy Felt,<sup>12</sup> a well known Newspaper man.

Those older in prison life were mostly in the Hall of the House, or the old Senate Chamber. Before the Yanks were incarcerated, every article of furniture of any discription [sic] had been removed from the building and none was furnished the prisoners. Neither did the captors furnish clothing, blankets or bedding of any discription; not even a spear of hay, or straw, a bunch of cotton or a handful of leaves. With what the boys managed to supply themselves on the battle field and pick up on their travels, there was an average of less than one blanket to every three men. But each prisoner did receive a tin cup holding one gill, which was the whole of his table outfit. The rations for a day per man consisted of a piece of what was called corn bread, five inches long, three wide, and three quarters of an inch thick, made of unsifted cornmeal coarsely ground with portions of the cob mixed with water; a cubic inch of meat, of doubtful character, as to whether of asinine or bovine species; and a gill of rice, or meat broth all without salt. For desert [sic] nothing but water, and that

<sup>11</sup> William Gannaway Brownlow of Tennessee, known as the "Fighting Parson," had been an itinerant preacher, an editor, and a politician. His opposition to secession had resulted in his arrest in December, 1861. However, he was not in prison at Tuscaloosa at the time the men of the 12th Iowa were there; he had been released and sent into the Federal lines in March, 1862. This is probably an instance of faulty memory, after a long period of years, since these memoirs were written in the 1880's. For Brownlow, see *Dictionary of American Biography*, 3:177-8.

<sup>12</sup> Andrew J. Felt, editor of several newspapers in Iowa before the war, had joined the 7th Iowa, been captured at the Battle of Belmont, Missouri, in November, 1861, and remained a prisoner for over a year. After the war he became active in the Republican party and later moved to Kansas where he served as Lieutenant Governor. Benjamin F. Gue, *History of Iowa* . . . (4 vols., New York, 1903), 4:91-2.



too from wells situated in close proximity to the sinks and naturally of horrible quality. The sinks were located outside the building, and from a total of seven hundred prisoners, only seven at a time were allowed to visit them, and that only during the day time. At night tubs — half barrels — were placed in the halls and carried out in the morning, to be returned at night without rinsing. When it is remembered that at the time of their capture nearly every man was suffering from diarrhoea, and what the effects of such diet, water and filth must have been, the condition of affairs can only be faintly imagined.

The lack of table utensils and the want of employment set the boys at work making plates, spoons, knives etc. from wood, pieces of bone, etc.; also finger rings, breast pins, charms etc., embellished with carvings of various designs; the incisions or cavities in which, filled with melted sealing wax of various colors, made some of their productions tasty and striking. Corporal Boughton proved to be the better artist of the Co. D squad. Sometimes relic hunters purchased these articles, and with the proceeds the boys bought eatables, tobacco, newspapers, etc. Tobacco was a scarce article and would be carefully utilized by first soaking it in the mouth, then chewing, and afterwards, when dried carefully, smoking.

Sometimes a squad of four, six or eight would be allowed to go outside the enclosure and procure water and wash, but always under a strong guard. Still the lucky fellows had a chance to get fresh air and exercise on mother earth.

Body lice became so bad that a general organized search was made daily by stripping and carefully examining every garment seam by seam and inch by inch. The destruction [*sic*] of life was great, but the supply was un-failing. From the incidents of these skirmishes no little amusement, grim as it may seem, was derived, and it helped the boys to forget their discomforts. Jimmy Lanagan [James Lanagan of Cedar Rapids] had his arm tattooed by a sailor confined as a prisoner of war in the same building, from which it became sore, and considerable diversion was caused by Orderly Hilton's teasing. Corporal Stibbs and Buttolph [Edwin A. Buttolph of Cedar Rapids] got up a flirtation with some girls whose window was in view across the street, but owing to the peculiar conditions surrounding the boys, no harm resulted.

On Sunday, April 20, 1862, a battery was drawn up in the street, between the prisoners quarters, and addressed by a preacher of the fire eating



kind, who with prayer and exhortations, after they had pledged themselves never to surrender, commended them to the care of the God of battles, and they left for the front. But in only a weeks time that same battery was captured near Corinth, and their guns turned on them, and some returned to tell how manfully they had endeavored to sustain their pledge.

One day Sylvester R. Burch [of Kingston] took a little union flag that Lyman M. Ayers [of Cedar Rapids] had as a keepsake, and put it in a split stick and stuck it out of the window over the guards heads, which made Wirz very wroth, and he ordered S. R. Burch, Ayers, Gephard and S. H. Flint [of Malvern] to be placed under arrest and taken to the guard house and there confined with ball and chain, and threatened that if they did not divulge the name of the guilty party, they would be put on bread and water for a week, and another four from that room similarly treated, and so on until they divulged, or the whole twelve should have starved. The situation appeared critical, but the boys agreed to stand firm. For some unknown reason, the four were released, but Wirz never found out who hung out the flag. Robinson L. Johnson [of Shellsburg] was the only member of the Masonic fraternity we had among the enlisted men in the Company. He was recognized as a Master Mason and allowed privileges denied to others, but he used them for the benefit of his comrades as much as practicable.

On the 9th of May, 1862, many of the prisoners in the old State house, including Co. D squads, were transferred to new barracks on the river bank and enclosed in the same stockade with the building in which the other portion of Co. D were confined. The boys could look at each other but hold no communication unless they happened to meet at the sinks, which were built on the river bank and out over the water. By this time the confinement and fare commenced to tell on the boys. Their garments were ragged and threadbare, their steps unsteady, and their countenances [showed signs] of disease and starvation. Still no murmurings escaped their lips. They were equally gritty as Josiah Scott [of Shellsburg] when his Uncle, the mate of the Alice Vivian, wanted to feed and treat him as a passenger and not as a part of the freight of the Steamer. "Not much" says Josiah, and not much did he.

As soon as the boys were removed from the city to the barracks, all sorts of schemes for escape were devised. The barracks were constructed around a square, within which were guards. The barracks were surrounded by a stockade about twelve feet high, and about six feet distant. Between

the stockade and barracks sentries paced. Just on the outside of the stockade another line of sentries walked their beat, while still farther, ten to twenty rods away, another line of sentries guarded the prisoners. Some escaped by dropping themselves into the river from the sinks. Both in the city and at the barracks, when any escaped, the boys managed to keep Wirz from finding it out by stealing from one room to another, or by changing places in the line when being counted, so that the required number should appear. This did not always work, as prisoners were frequently recaptured before the count was made.

Soon after going into the barracks, a tunnel was begun by some forty odd prisoners under the floor of a room occupied by a squad of Co. D. A couple of boards in the floor were removed and, by using tin plates for making the excavation, and concealing the dirt in various ways, the work was speedily done, and the tunnel so far completed that, on the night of May 13th more than forty of the prisoners departed from the prison without asking Wirz. The only Co. D boys who were out were Orderly Hilton and Private Whittam. They were, as we subsequently learned, after numerous adventures, recaptured, but again escaped only to be again recaptured and returned to prison. Before the escape it was reported in prison that steamers were at the landing to convey the prisoners to points where they would be paroled, but, of course, the report was not generally credited. On the morning of the 14th, Wirz was furious. Many escaped prisoners had been recaptured, and no one knew how many had escaped. The prisoners were ordered into line for a general count. Wirz, with his finger on the trigger of a loaded and cocked revolver, passed down the line pointing the muzzle at the head of every prisoner as he was counted off. When twenty had been reached, a guard came in and announced, "Serg't, we have found how the Yanks escaped." Wirz asks, "How." The guard answers, "Under mined," which word was repeated by Wirz in a tone showing astonishment and consternation. The prisoners laughed in derision, and Wirz, half crazed, left the room, and the count to be concluded by a whiffet and a deserter from the Federal army, afterwards captured and shot as a spy by a man named Peacock. The report that there was a steamer for us at the landing proved true. The same forenoon, May 14th, 1862, the prisoners were ordered out, counted off, and a portion started for the landing and were placed on board the Steamer James Delett, which proceeded down the river until it met a larger Steamer, called the Chero-

kee, which, by reason of the low stage of water, was unable to reach Tuscaloosa. To the latter boat the former transferred its load of prisoners and returned for another load, while the Cherokee proceeded down the river at a slow pace, being frequently obliged to use spars and capstan in getting over shoals and sand bars. Co. D was well represented in the first load of the Delett, into whose store room some of the boys broke and secured some provisions, but the mate ended the matter by throwing the balance to the crowd.

On the bow of the Cherokee the boys found a pile of corn bread, covered with a tarpaulin, and from which one fellow, in attempting to forage, got a prod from the guards bayonet which served to keep any more from trying it.

The boats progressed down the river very slowly. By the night of the 15th rations were done. Some beans and corn was attempted to be cooked at different times, when the boys were off the boat to lighten her, but were unsuccessful, and they were unfit to eat, and those who eat them wished, when the gripes came on, that they had not.

The Delett returning found the Cherokee and proceeded with her load to Mobile, while the Cherokee passed through the cutoff from the Tombigbee to the Alabama, eighteen miles above their confluence, and proceeded up the latter, passing Cahaba, but, on the night of the 18th, stopping at Selma for rations and landing at Montgomery late in the night of the 19th of May 1862.

On the morning of the 20th three members of Co. D were selected to go into the city and cook the corn cake for the Company; while absent they saw Lt. Hale, who, with other members of the Company, viz. Morehead, Pangborn, Lutz, Snell and Tarpenning, were confined at that time in the city. The prisoners were required to hand in their name, rank, Company and Regiment. Corporal Stibbs made the list of Company D, and persisted in reporting himself, Ross [Henry W. Ross of Kingston] and Boughton as Corporals, which many of the boys thought a mistake, but which he thought would secure them better treatment. The citizens lined the bank of the river anxious to get a view of the Yanks. Large amounts of cotton were piled upon the levee ready for shipment to Mobile, to be used in fortifications or blockade running.

On the 21st the prisoners were ordered to disembark and were marched into the city and placed in an old Machine shop, and the next day paroling

began, but only of the Privates. The Corporals then saw their mistake but too late; the paroling proceeded slowly letter by letter alphabetically. The roll was called, the boys gave their occupations as that of farmers, but, to the surprise of the rebel officers, showed their ability to write by readily signing their names to the following undertaking.

Montgomery, Ala.

May, 22nd, 1862

I pledge my most sacred word of honor that I will not, during the existing war, between the Confederate States and the United States of America, bear arms or aid or abet the enemy of said Confederate States, or their friends, either directly or indirectly in any form whatever, until regularly exchanged, or otherwise discharged.

Thirty-nine privates of Co. D were thus paroled at Montgomery on May 21st, 1862, and soon after took their departure for the north. There were left Capt. Stibbs, Lt. Hale, Orderly Sergt. Hilton, Corporals Ross, Stibbs, Boughton, Morehead and Pangborn, privates Lutz, Snell, Tarpenning and Whittam.

#### OFFICERS AS PRISONERS, BY CAPT. J. H. STIBBS<sup>13</sup>

After reaching Mobile, as described by Zuver, the officers were separated from the enlisted men, after which the lieutenants were put in a party by themselves and sent to Montgomery, Alabama, and subsequently to Macon, Georgia. The Captains and those of higher rank were sent first to Selma, Alabama, where we remained two or three days, and were then taken by rail to Talladega, Alabama, where we were confined in the court house for a week or ten days. Here we were guarded by a company of home guards that had for their Captain a man who impressed us as the "pink of politeness." He drilled the company in the Manual of Arms on the evening of our arrival, and I remember one of his commands was, "Now then, gentlemen, you will please come to 'shoulder arms.' " On that night one of the guards, who was half crazed with fright lest he should disobey some order, refused to be relieved except by the Corporal who placed him on post, and who could not be found; nor would he permit the relief guard to pass his post. For hours he made the night hideous with his cries of "Corporal of the Guard Post, Number 8!" Finally an attempt was made forcibly to

<sup>13</sup> A part of the following account appeared in David W. Reed, *Campaigns and Battles of the Twelfth Regiment . . .* (n. p., [1903]), 107-110.



relieve him, and in the fight that followed he was shot down, was carried into the building where we were, was attended by Dr. Gregg of our party, and died before morning. The company muster roll giving the particulars of this man's death was found in Vicksburg by a member of our party after the surrender of that place July, 1863.

The rebel authorities evidently concluded we were too near the Union lines at Talladega, and within a few days we were returned to Selma, Alabama where we were given quarters in an old hotel building, and remained about two months. About the last of June we were taken by boat to Montgomery, Alabama, remained there a day, and then went by rail to Atlanta, Ga., where we remained under the charge of a Major Leyden for a little more than a week. We reached Atlanta on the day that "Mitchells Raiders" were taken out and executed. . . .

From our windows we could see the troops as they marched the men to the place of execution, and on the evening of the same day we learned, from persons who were present, the particulars of their death. The affair had a very depressing effect on our party, and we passed a sorry night, but on the following day we were moved to comfortable quarters in one of the public buildings and were treated with so much kindness and consideration by Major Leyden that the disagreeable features of our situation were almost lost sight of. We were boarded at a fairly good boarding house, received visits from the prominent people of the town, and many who called proved to be staunch friends of the Union, and in divers ways they managed to contribute to our comfort. Some in taking their leave would shake hands and leave in one's palm a ten or twenty dollar bill, while others tendered the loan of a book or a blanket or some other equally desirable article, with the private understanding, however, that the articles might be returned at the end of the war. This sort of management though did not suit the rabid rebel element there, and very soon remonstrances were sent to Richmond, and in reply telegraphic orders were sent directing Col. Lawton to take us in charge. It was he who had Mitchell's men in charge, and carried out the orders for their execution, and while he made no move towards hanging any one of our party, it took him but a day to transport us to Madison, Georgia, where we were placed in an old cotton mill and consigned to the tender mercies of a so-called gentleman from South Carolina, one Captain Calhoun, who, during the three months or more that he watched over our welfare, succeeded in engaging the affection.

of some of us in a degree that time could not efface. This fact was demonstrated a year later when Vicksburg surrendered, and it was learned that Captain Calhoun was a prisoner. Some of our party walked miles for the privilege of saying a few "cuss" words to him, and telling him just what kind of a "son of a gun" they believed him to be, but the orders of our commander protected him as it did others, and he was paroled at once, and for that time at least escaped the confinement he richly deserved.

While at Madison, Georgia, the lieutenants of our party were sent from Macon to join us, and officers of the Michigan and Minnesota regiments captured at Murfreesboro, Tenn., were also given quarters in our room. So that in the end we had a party of about 250 men, all officers, all confined in the same room, and on the lower floors in the same building with us there were nearly a thousand political prisoners, most of them from East Tennessee. This building was situated about one-half mile from the town of Madison, was surrounded at a distance of fifty to one hundred and fifty feet by a high board fence, and within the inclosure the guard, three companies of a Georgia regiment, were encamped.

When our lieutenants joined us there I was a member of one of the tony messes, one that was composed of jolly good fellows who could sing songs, tell stories, and be entertaining under the most adverse circumstances, and when there was a dollar in the party we were sure to have pie for dinner. Shortly before that our number had been increased by a couple of Chicago boys, who brought into the mess a good roll of money that they had managed to secrete when captured, and it was not thought desirable to admit any new members unless they could add something to our scanty mess fund, but when Lieut. Hale came, I demanded that he should be admitted to our mess, and it was done. Dear old Hale! He was poor enough then, poor in purse and poor in flesh. So thin that every joint in his body seemed to be trying to make a hole in his hide, in fact there was not much left of him except the running gears, and when he sat down one could not help wondering whether the old machine would ever get up and move off again, but notwithstanding the fact that he was received into the mess as a kind of charity patient, he proved a benefactor to all in the end, for on being provided with a red and blue pencil, he demonstrated his ability to transform a rebel 5¢ "shin-plaster" into a 50¢ note that would pass current with the average Georgian, white or black. . . .

About the 7th of November, 1862, orders came for us to be sent to

Richmond and paroled, and we went via Augusta, Georgia, and Columbia, South Carolina, where we spent a day in the penitentiary; [thence] to Raleigh, N. C., Weldon and Petersburg, to the famous Libby Prison, where we signed a parole, and the following day, November 13, were once more placed under the protection of the old flag at Aikens Landing, Virginia, and went thence via Fortress Monroe and Annapolis, Md., to Washington. . . .

While our party were at Selma, Alabama, a committee was appointed to correspond with General Beauregard with a view of effecting a special exchange of the Union prisoners captured at Shiloh for the "rebs" we had helped to capture at Donelson. He approved of the plan and offered to send a committee of three, whom we might name, on to Washington via Richmond, with authority to negotiate an exchange as proposed. We selected for this committee Col. Madison Miller of the 18th Mo., Maj. Wm. M. Stone of the 3d Iowa, who was subsequently made Governor of our State,<sup>14</sup> and Capt J. M. Gregg of the 58th Ill. When they left us we were full of hope that but a few days would pass before the glad news that we were going home would be received, but weeks went by before any word was received from our committee, and we began to think that their mission had been fruitless, when one day at Madison, Georgia, we espied the tall form of old Capt. Gregg marching up to our prison gate carrying in his hand a satchel in which there was a bag of gold, and an hour later a couple of boxes filled with a miscellaneous assortment of clothing were brought to the prison. From the Capt. we learned that the committee had failed to effect the special exchange desired, but that they had been largely instrumental in bringing about the cartel for a general exchange, after which they were offered special exchanges for themselves. This offer was accepted by Col. Miller and Maj. Stone, but Capt. Gregg would not consent to be exchanged. He said he was there as the representative of a party of gentlemen who would not be satisfied to have him abandon their interests to better his own condition and demanded to be sent back to the prison. Before starting, however, he went to President Lincoln, told his story, and showed him the list of names of those he represented. Good old Abe was not slow to appreciate the situation and act

<sup>14</sup> William M. Stone, lawyer, editor, and judge from Knoxville, entered the war as a major of the 3rd Iowa. After his release he was appointed a colonel of the 22nd Iowa. In 1863 he resigned to accept the Republican nomination for governor of Iowa, a position he filled from 1864 to 1868. Gue, *History of Iowa*, 4:253.

accordingly. Seizing his pen he wrote out an order directing the paymaster General to pay over to Capt. Gregg one month's pay for each of the officers named on the list, and to the Quarter Master General an order that the Capt. be given transportation and safe conduct to the enemy's lines at Richmond. The Capt. drew the money, invested forty per cent of it in clothing, and the remainder he converted into gold, and with the endorsements he carried he found no trouble in delivering his goods and money at our prison pen in Georgia. He remained in prison with us for more than two months after his return, and was paroled when the others were.

I am sure I voice the sentiment of our party when I say: God bless old Capt. Gregg! May the world keep green the memory of such a hero! The gold brought us we sold to the guards at the prison, receiving at first four or five dollars in confederate money for one of gold, but we soon found there was scarcely a limit to the premium they would pay, and before many days we had the price fixed at \$50 confederate for a \$5.00 gold piece. The money thus secured we expended for food and vegetables of all kinds that were brought to the prison gate and sold by the colored people living there. The clothing was given out to those most in need of it. The money drawn by Capt. Gregg was only for such of the party as were present at Selma when the committee was sent to Richmond, but we divided with our lieutenants and the officers captured at a later date, so that before our parole came our money was gone, and we went home "busted," but I feel safe in saying that many lives were saved in that party by the relief brought us by Capt. Gregg.

Within a few days after our arrival at Selma, in April, we received a call from a St. Louis gentleman who was doing business in the south, and who was anxious to send money in some form to his wife in St. Louis. He proposed to cash any draft that Gen. Prentiss would make on the Pay Department at Washington, and as many of our party were without means, the General made a draft for \$2000.00 and loaned the money to such as made application for it. We received confederate money and paid the draft in greenbacks, but their money at that time had not depreciated to the extent indicated by our purchases made at Madison, and the amount we received enabled us to purchase many necessary articles of clothing, etc.; our greatest want then being a change of under-clothing.

Very soon after our capture Capt. Townsley [Lloyd B. Townsley of Decorah] of Co. G and myself agreed to cast our fortunes together, and



we shared the same blanket throughout our imprisonment. The prison authorities at Selma and at Talladega distributed a few blankets and quilts to our party, but not enough to go round, and it was fortunate for Townsley and I that we anticipated the situation. On the boat going from Mobile to Selma we borrowed from the boat's table a knife, fork and spoon, and before going ashore at Selma we each secured in like manner, by borrowing from one of the boat's state rooms, a small blanket and comforter. Townsley hesitated at first about taking part in the transaction, fearing we might be detected and punished, but I argued to the effect that the most they could do would be to put us in prison, and as we were already prisoners, our lot could not be made much worse. This settled the question and by a little sharp practice we got ashore with our plunder and were never questioned concerning it. Our personal effects not necessary to our comfort or convenience in prison were traded off from time to time, as occasion demanded, but Townsley had one article, which I thought unnecessary to keep, that he could not consent to part with. It was a silver-plated tobacco box, rather a showy affair, worth at home about a dollar, but it had been given him by a friend, and he was determined to keep it. We reached a crisis, however, on the tobacco question while at Madison. Our money was gone. We had been a week without a chew, and I saw something had to be done. It was a "ground hog case" sure enough, and the only thing I could think of that could be spared from our belongings was Townsley's tobacco box; so I slipped it out of the pocket of his old coat, which lay at the head of our bed, took it down stairs to the guard and traded it off for two plugs of tobacco; big black fellows that weighed a pound apiece, and after helping myself to a big chew, I placed them under my vest, and on going back to our room called Townsley into a corner and showed him what I had. His eyes glistened with delight when he saw the treasure and learned that there was a plug for each of us. He wanted to know at once where I got it, but I hesitated to tell and would not until after he had taken a big chew and began to "spit yaller," and then I ventured to tell him that I had traded off *our* tobacco box. He was furious at first, but later on was forced to admit that my heroism and forethought had saved his life.

The question: "How did they treat you?" which was propounded by all we met after our release from prison will be suggested by any who read this article, and I must say that the sufferings endured by our men at Andersonville, Columbia, Belle Isle, and other prisons, during the later years

of the war, so far exceeded anything that we were subjected to, that it seems almost absurd for one of us to make complaint, and furthermore I find that with the lapse of years the unhappy and disagreeable features of my army and prison life are continually lessening in importance, while the ludicrous and heroic phases grow correspondingly. Yet, as I look back I can recall many privations we were made to suffer that might have been spared us with loss to no one.

One of our greatest trials when first confined was the order to keep from us the news of the day, but we soon had our plans perfected by which we managed to secure copies of the daily papers, and there was scarcely a time but that we had an arrangement made with either the chaplain, the cook, or some member of the guard to keep us supplied with papers. One copy a day was as much as we could afford, and the news as a rule was passed by word of mouth. Yet, scarcely an hour passed but that the paper was being read by some favored one, and to do this it was necessary for the party to get into an obscure corner and be covered by a blanket or other screen. At Selma the Commandant, Col. Kent, exerted himself to the utmost in his efforts to discover the source from which we secured the news, and amongst other stories we told him that we had friends on the outside who gave us the news by signal. To test this he instructed the guard to keep close watch on all our movements. The following day Gen. Prentiss stationed himself near enough the window for the guard to get a glimpse of his motions and began working his hands after the fashion of one using the deaf and dumb alphabet and apparently communicating with some one on the outside. The guard detected the movement in an instant, and stepping from his beat to where he could get a clear view he roared out the challenge: "Halt them fingers!" After the order came to move us from Selma, Gen. Prentiss promised Col. Kent that before leaving he would tell him the secret of our news getting. The day before our departure Col. Geddes [James L. Geddes of Vinton] of the 8th Iowa drew a most excellent likeness of Col. Kent on our prison wall, representing him as dressed in his long linen duster with a newspaper folded and stuck in the outer pocket, and on the following morning he copied onto the paper the head lines as they appeared in the morning's paper. When Col. Kent came in he was led up to the picture, and all hands declared we had gotten the news by reading the papers carried in his pocket as represented or by stealing the paper from his pocket.

The order in relation to looking out of windows, that was enforced at

Tuscaloosa and other places, was applied strictly in our case. The guards as a rule were raw recruits who were over anxious to obey orders, and it was not uncommon to have some one of our party halted while promenading for exercise at a distance of 5 or 6 feet from the window, and in this way we were kept in constant dread of being shot down by some fool guard, no matter how careful we were in the observance of the rules.

The solid food furnished us was sufficient at all times, I think, to have kept us strong and well if it had been properly cooked and served, but we were not permitted to take any part in the preparation of our meals, and many times the truck that was brought into us was such a horrible mess that we could not eat the half of it, and yet were half starved at the time. At Selma the rations were fairly good, but we had not been long enough in the pen at that time to appreciate a good thing, and there was no end to the complaints on the part of some of our fastidious comrades. Many a discussion was held there by certain ones who pretended to be versed in anatomy over sundry small bones that were fished from the soup kettle. Whether it was beef or not that we were eating did not enter into the discussion, but the question we gravely considered was whether it was dog or jackass? Four or five months later, when the systems of a majority had become reduced by disease and starvation, it was no unusual thing to hear some poor fellow long for the flesh pots of Selma. At Madison our bread was made of flour and water, stirred to a batter, and baked in an unusually large Dutch oven. The cakes were just about the size and shape of an elephant's ear, and nearly as tough. When warm the outer edges were palatable, but the inside was invariably raw, and when left to cool and harden for two or three days, it could be worked into trinkets and ornaments of various kinds, and would bear a polish equal to a piece of granite. Is it a wonder that men did not care to fill their stomachs with such food? In my own case I found as the rations grew scarce my stomach grew smaller, and my experience in that respect was not unlike that of many others with whom I subsequently compared notes. It was a common thing with me during the later months of my imprisonment to lie awake at night and arrange in my mind the bills of fare of certain meals I proposed to have when I got home, and when I finally did reach the old hearth stone, my good parents were ready to kill the "fatted calf" and do their part towards gratifying all the whims of my appetite, but I was then horrified to find that my stomach had become so shrunken that it would not hold a square meal.

To amuse ourselves we engaged in games of all kinds; organized courts and held mock trials, discussed the leading questions of the day, and on every day we fought the battle of Shiloh over again. Nearly every man in the party engaged to a greater or less extent in the manufacture of bone trinkets, and at Madison where the building was finished with yellow pine having a beautiful grain, a majority of the party provided themselves with canes, some of which were very handsome. Soon after reaching there the owner of the building where we were confined came in one day and after taking a survey of our room exclaimed: "Well, you d——d yankees are the worst vandals I ever saw, and if you stay here long enough you will ruin my building, sure. The first thing you did was to take down the doors to make mess tables, then you tore out the window casings to make bunks, and now, d—n you, you are tearing up the stair steps in make walking sticks." One who has not been confined in such a place cannot appreciate the necessity for amusement, and would scarcely believe it possible that intelligent gentlemen would engage in some of the practices which we thought very proper fun in those days. It was not all fun by any means, for we indulged in many a grave discussion, but no one was sorry when something was done, no matter how ridiculous, to create a laugh and a hurrah.

We had some racing men in the party, but horse races there were out of the question, and the the only animal we could utilize there was the "gray-back."<sup>15</sup> Just imagine a dozen or twenty Captains, Majors, and Colonels, squatting down in a circle watching a louse race. To be interesting, some betting had to be done, and when our party had funds there was always some one ready to bet a quarter that he could put his hand inside his shirt and bring out a louse that could out-trot anything in the room. The "modus operandi" was this: A tin cup having been provided those who wished to enter for the race deposited their money in the cup, then with a piece of wall plaster, which answered the purpose of chalk, a circle the size of a silver dollar was drawn on the floor, and around this a second circle the size of a tin cup was drawn. When the arrangements were complete each contestant opened his shirt and selected a "gray-back" that in his judgment gave promise of more than ordinary speed, and at a given signal the animals were dropped into the inner circle. Then the excitement began; each

<sup>15</sup> "Graybacks," the Union soldiers' name for the Confederate soldiers, was also given to the body lice with which the men became infested while in prison.



man had to keep track of his own louse, and in the end the "gray-back" that crossed the outer ring first won the pot.

While on this subject, which has always been an irritating one to me, I must say that at Madison, Georgia, we had more than our share of gray-backs. The political prisoners had planted them there before our arrival, and they ripened faster than we could gather them. They were a most prolific and hardy variety; each seemed armed with a coat of mail and had a "W" on its back, which the boys said stood for "war." We had our regular hour for lousing, and destroyed myriads of them while there, but nevertheless we were loaded with the pesky things when we started for home, and carried with us an army great enough in numbers to have conquered the world. We believed that if proper facilities had been granted us, we could have kept the pests within bounds, but Capt. Calhoun would not permit us to cleanse our room, our persons, and our clothes as we desired, and this so exasperated Capt. Billy Stubbs [William Stubbs of Iowa County, Captain of Co. G] of the 8th Iowa, that he determined to give Capt. Calhoun a dose of "gray-backs." He accordingly procured from the hospital room a wide mouthed vial, and having called for supplies he succeeded within three or four days in getting enough of the critters to fill the bottle. Then he watched his opportunity, and when Capt. Calhoun came in again a crowd gathered about him and while they insisted upon his doing some necessary thing for the welfare of our party, Stubbs poured the contents of his bottle into the Captain's pockets and down the back of his neck. From our prison windows we could see Capt. Calhoun in his office, which stood about 100 yards outside the prison enclosure, and I have often thought in the years that have elapsed since the war that one of the most pleasant recollections of my prison life was the picture presented by Capt. Calhoun that day as he skirmished about his room in his shirt tail, trying to destroy the gray-backs with which Stubbs had loaded him.

The question of escape was discussed daily by some members of the party, and repeated efforts were made to get away, but none of our party were fortunate enough to get beyond the rebel lines. At Selma, Captains Earl and Warner [Willard C. Earl of Makee, Captain of Co. B; William W. Warner of Clermont, Captain of Co. C] of our regiment succeeded in getting out of the prison one night and, during the twelve hours or more that they were at liberty, made good time in the direction of the North Star, but walking was too slow for them and they ventured to take a ride in the

cars, where they were identified by a John "Reb," who was going home on furlough. He did not know the faces of either, but Earl's mustache settled the business. He had seen it in the prison at Selma and could not be mistaken, as none other like it had ever been seen or heard of in that section of the country. They were a crest-fallen couple when marched into the pen the following day. . . .

In this article I have been compelled to give my recollections of events applied to our party collectively, but I feel it a duty to refer particularly to one man in Company D, our orderly Sergeant "Bob" Hilton.<sup>16</sup> He was as brave and loyal a man as we had in the company, and under ordinary circumstances would have given his life for the Union as cheerfully and heroically as any amongst us, but while attempting to escape during the first month of his imprisonment he became sick, through hardships and exposure, and after reaching Macon, Georgia, he was reduced to a point where recovery seemed impossible. There it was he was found by his father, who was employed there in Macon. The old man was a cotton spinner, and by reason of his trade was exempt from military duty. "Bob," too, was master of the same trade, and his father secured an offer from the authorities there that if he would take the oath to support the confederate government, they would release him, and when his health was restored he would be given employment in the mill there and would not be called out to bear arms against the United States. To remain in prison meant certain death for him, while by going out he could receive care and attention in his own father's house, and had before him the hopes of recovery and a return at some time to his wife and little ones. These circumstances coupled with the appeals of his old father proved more than he could withstand in his extremely weak and debilitated condition, and he was finally induced to turn his back on his comrades, and [he] took the rebel oath. Two weeks later he was dead, and laid away in the grave of a deserter. When strong and well no man in the company would have denounced more strongly than he the course he followed, but disease had weakened him physically and mentally, and the circumstances surrounding him were very unusual. Let only those who have passed triumphantly through a similar ordeal condemn his weakness. I think Company D will all join with me in saying: "Dear old Bob, peace to his ashes."

<sup>16</sup> See note 9.

## HISTORICAL ACTIVITIES

### *State Historical Society of Iowa*

The Society gained 36 new members in September, 43 in October, 162 in November, and 151 in December, 1955, making the membership gain for the year 801. Total membership in the Society now stands at 5,153, the second largest historical society membership in the country. Carl S. Leopold of Burlington, A. L. Mensing of Lowden, and Foster W. Wilson of Rockwell City were enrolled as life members.

The next book to be published by the Society will be a biography of Senator William Boyd Allison written by Professor Leland L. Sage of Iowa State Teachers College at Cedar Falls. Allison represented Iowa in Congress for forty-three years — eight of them in the House, thirty-five in the Senate — from 1863 to his death in 1908. This biography, the first full-length treatment of the Senator, will be sent to members during 1956.

#### SUPERINTENDENT'S CALENDAR

October 17	Conducted photographer for magazine, <i>Holiday</i> , on tour of eastern Iowa.
October 21	Inspected Iowa Falls Museum with Mrs. Sumner Osgood.
October 24	Addressed Adult Education group, Decorah.
November 2	Attended Iowa Schoolmasters Association, Des Moines.
November 3	Addressed joint meeting of Anamosa Women's Clubs.
November 4	Attended conference on use of Iowa history in Iowa summer camps, Des Moines.
November 11	Addressed Southern Historical Association, Memphis, Tennessee.
November 14	Spoke at Kate Shelly program honoring Elizabeth O. Cullen, Washington, D. C.
November 16	Addressed 75th annual meeting, Mutual Insurance Associations, Des Moines.
November 28	Spoke before joint meeting of Iowa City Women's Club, Johnson County Farm Bureau Women, and Johnson County 4-H Club Leaders.

- November 29      Addressed state meeting of County Engineers, Ames.  
December 21      Inspected holdings of Davenport Public Museum and  
                         Davenport Public Library.  
December 28-30   Attended American Historical Association meeting,  
                         Washington, D. C.  
January 5         Attended annual dinner of Des Moines Chamber of  
                         Commerce.  
January 10        Addressed Society of American Military Engineers an-  
                         nual meeting, Omaha, Nebraska.  
January 12        Addressed Sixth District meeting of the County Officers  
                         Association, Cedar Rapids.

### *Iowa Historical Activities*

The manuscript of MacKinlay Kantor's great novel of the Civil War, *Andersonville*, has been presented to the library of the State University of Iowa. This novel of the South's prison camp, Andersonville, has received high praise from reviewers and has been chosen by the Book-of-the-Month Club and by the Civil War Book Club. Henry Steel Commager of Columbia University has called it "the greatest of our Civil War novels." Two copies of the manuscript, the first draft and the final revision, will become a part of the Iowa authors' collection of original manuscripts at the University.

Miss Elsie Datisman, secretary of the Dubuque County Historical Society, is in charge of tape recordings being made by the Society. Miss Martha Baker, ninety-two years old, and Peter Gonner, ninety-three, have so far recorded their memories of early Dubuque. The Society hopes to build up a collection of these recordings for use by historians and for classroom studies in Dubuque.

The Chickasaw County Historical Society has received an Award of Merit from the American Association for State and Local History, "for unusual growth in two years time to a full-fledged, highly-successful county society . . . and for uniqueness of program." The Society was one of the 53 county societies selected from more than 400 in the nation for this honor.



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The Iowa Supreme Court, 1956. Left to right: Henry K. Peterson, Theodore G. Garfield, G. K. Thompson, William L. Bliss, Norman R. Hays, Robert L. Larson, Charles F. Wennerstrum, Ralph A. Oliver, W. A. Smith. Picture, courtesy of Judge Robert L. Larson.

## THE IOWA JUDICIAL SYSTEM

*By Russell M. Ross\**

To implement the doctrine of the separation of powers and the rule of law, an independent judicial division is essential. The major function of the Iowa court system is to decide cases of legal controversy between individual citizens, or between the state government and its citizens. The state legislature enacts the law, thus determining policy; the Governor and the administrative departments execute the program legislated; and the state courts adjudicate the disputes that arise. In a way, the judicial body passes upon the work of both of the other major branches of government, for the courts consider the meaning and intent of the legislative acts and the validity of the actions of the officers who try to enforce these statutes.

Iowa has always believed in the codification of its laws. All of the permanent state statutes are codified. These state laws, of course, must be in accord with the federal Constitution, the federal laws and treaties, as well as the state Constitution. The common law in Iowa is utilized mainly as an interpretative source rather than as a primary source of law.

In Iowa, as in almost all of the states, there are three kinds of laws with which the state courts are concerned: (1) constitutional law; (2) criminal law; and (3) civil law.

*Constitutional Law.* In Iowa the cases involving constitutional law are those that in one way or another involve the United States Constitution and its amendments, or the Iowa Constitution of 1857 and its amendments. Cases involving the two constitutions call for the state courts to pass either on the constitutionality of an act of Congress, an act of the state legislature, or an action of some governmental official. This process of judicial review is one of the fundamental features of the United States government. The United States Constitution is the organic law of the land and as such takes precedent over all other laws and actions; it controls the validity or consti-

\*Russell M. Ross is associate professor of political science at the State University of Iowa. Two previous articles by Professor Ross in the *IOWA JOURNAL OF HISTORY* dealt with the executive and legislative branches of the Iowa government: "The Power of the Governor of Iowa," in the April, 1954, issue; and "The Iowa General Assembly: Composition and Powers," in the January, 1955, issue.



tutionality of the acts of all governments, no matter whether they are local or national, executive or legislative. Just as the United States Supreme Court is oftentimes referred to as the "balance wheel" of the Constitution, the Iowa Supreme Court may be said to be its counterpart on the state level.

*Civil Law.* Law that resolves conflicts between individuals is usually termed civil law. The majority of civil laws protect property rights and individual rights. In civil cases ordinarily the state is not a party. The cases must be prosecuted by the individual who feels he has been wronged. Civil rights include the freedom of speech, freedom of worship, freedom of assembly, freedom of the press, freedom of occupation, and the right to own property. It should be emphasized that civil rights involve constitutional law, civil law, and criminal law. It is not uncommon for the state to be a defendant in a civil case when an individual finds that the state has violated a right; a private citizen can then sue the state to restrain this action.

*Criminal Law.* Laws that have as their objective the maintenance of the law and order and the peace of the state, and that provide for some type of punishment if the law is violated, are called criminal laws. If the punishment for the violation is a relatively small fine or confinement in jail, or both, the offense is called a misdemeanor. A crime of a more serious nature is termed a felony. The state is the prosecutor in all criminal cases.

The Constitution of 1857 provides for the judicial department in Article V, Section 1: the judicial power "shall be vested in a Supreme Court, district courts, and such other courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish."<sup>1</sup> The Constitution thus provides the skeleton for the state court system.

#### THE IOWA SUPREME COURT

The highest court in the state is the Iowa Supreme Court, and all other state courts are inferior to it. Section 2 of Article V originally provided for a Supreme Court of three judges, but Section 10 of the same Article allowed the state legislature to increase or decrease the number of judges on the Court. However, no more than one judgeship may be added or deleted by any one General Assembly, and no judge may be removed from office by the reorganization.

*Jurisdiction.* Both original and appellate jurisdiction rest in the highest court of Iowa. The majority of cases are heard under the power to hear

<sup>1</sup> Carl L. Erbe, "The Judicial Department of Government as Provided by the Constitution of Iowa," *IOWA JOURNAL OF HISTORY AND POLITICS*, 23:406-474 (July, 1925).



appellate cases.<sup>2</sup> These are cases that are brought to the Supreme Court for review after having been heard first by one of the state district courts. Original jurisdiction is defined as the power to hear a case in the first instance. A very small number of cases heard by the Supreme Court are of this type. Much of the original jurisdiction is in connection with various writs that are necessary for the court to exercise its jurisdiction.

Appeals from superior, municipal, and district courts may be taken to the Supreme Court at any time within four months after the time of rendition of the judgment. No appeal may be taken in any cause in which the amount in controversy between the parties does not exceed \$100, unless the trial judge certifies that the cause is one which should be allowed the Supreme Court, which, according to the Constitution, has appellate jurisdiction only in cases in chancery, and thus constitutes a court for the correction of errors at law.

An appeal may be taken to the Supreme Court under any one of five different circumstances: (1) an order made effecting a substantial right in an action, when such order, in effect, determines the action and prevents a judgment from which an appeal might be taken; (2) a final order made in special actions affecting a substantial right therein, or made on a summary application in an action for judgment; (3) an order which grants or refuses, continues or modifies a provincial remedy, grants or refuses, dissolves or refuses a new trial, or sustains or overrules a demurrer; (4) an intermediate order involving the merits or materially affecting the final decision; and (5) an order or judgment on habeas corpus. If any of the above orders or judgments are made or rendered by a judge, they are reviewable the same as if made by a court.

*Organization.* The number of judges on the Iowa Supreme Court has been gradually increased. In 1857 the Constitution established a court of three men. By 1864 there were four members; by 1867, five members; from 1870 until 1915 the Supreme Court was composed of six judges. In 1915 there were seven; eight by 1929, and nine in 1931. No changes in number have been made since 1931. Similarly, the salaries of the judges have undergone an evolution. The Constitution originally established the annual salary at \$2,000 but provided that the General Assembly might increase the compensation. This has been done from time to time; in 1955

<sup>2</sup> Ethan P. Allen, "Appeals from the Supreme Court of Iowa to the Supreme Court of the United States," *ibid.*, 31:211-73 (April, 1933).

# JUDGES OF THE IOWA SUPREME COURT

<i>Name</i>	<i>Home County</i>	<i>Years Served</i>
Charles Mason	Des Moines	1838-1847
Thomas S. Wilson	Dubuque	1838-1847
Joseph Williams	Muscatine	1838-1848
		1849-1855
John F. Kinney	Lee	1847-1854
George Greene	Dubuque	1847-1855
S. Clinton Hastings	Muscatine	1848-1849
Jonathan C. Hall	Des Moines	1854-1855
William G. Woodward	Muscatine	1855-1860
Norman W. Isbell	Linn	1855-1856
Lacon D. Stockton	Des Moines	1856-1860
George G. Wright	Van Buren	1855-1860
		1860-1870
Ralph P. Lowe	Lee	1860-1867
Caleb Baldwin	Pottawattamie	1860-1863
John F. Dillon	Scott	1864-1869
Chester C. Cole	Polk	1864-1876
Joseph M. Beck	Lee	1868-1891
Elias H. Williams	Clayton	1870 (8 months)
James G. Day	Fremont	1870-1883
William E. Miller	Johnson	1870-1875
Austin Adams	Dubuque	1876-1887
William H. Seevers	Mahaska	1876-1888
James H. Rothrock	Cedar	1876-1896
Joseph R. Reed	Pottawattamie	1884-1889
Gifford S. Robinson	Buena Vista	1888-1899
Charles T. Granger	Allamakee	1889-1900
Josiah Given	Polk	1889-1901
LeVega G. Kinne	Tama	1892-1897
Horace E. Deemer	Montgomery	1894-1917
Scott M. Ladd	O'Brien	1897-1920
Charles M. Waterman	Scott	1898-1902
John C. Sherwin	Cerro Gordo	1900-1912
Emlin McClain	Johnson	1901-1912
Silas M. Weaver	Hardin	1902-1923
Charles A. Bishop	Polk	1902-1908
William D. Evans	Franklin	1908-1934
Byron W. Preston	Mahaska	1913-1924
Frank R. Gaynor	Plymouth	1913-1920
Winfield S. Withrow	Henry	1913-1914

# JUDGES OF THE IOWA SUPREME COURT

<i>Name</i>	<i>Home County</i>	<i>Years Served</i>
Benjamin I. Salinger	Carroll	1915-1920
Truman S. Stevens	Fremont	1917-1934
Thomas Arthur	Harrison	1920-1925
Frederick F. Faville	Webster	1921-1932
Lawrence De Graff	Polk	1921-1932
Charles W. Vermillion	Appanoose	1923-1927
Elma G. Albert	Greene	1925-1936
Edgar A. Morling	Palo Alto	1925-1932
James W. Kindig	Woodbury	1927-1934
Henry F. Wagner	Keokuk	1927-1932
John M. Grimm	Linn	1929-1932
William L. Bliss	Cerro Gordo	1932 (3 months) 1939-
Richard F. Mitchell	Webster	1932-1942
George C. Claussen	Clinton	1932 (2 months) 1933-1934
Hubert Utterback	Polk	1932-1933
John W. Anderson	Woodbury	1933-1938
Maurice F. Donegan	Scott	1933-1938
John W. Kintzinger	Dubuque	1933-1938
Leon W. Powers	Crawford	1934-1936
Wilson H. Hamilton	Keokuk	1935-1940
James M. Parsons	Polk	1935-1937
Paul W. Richards	Montgomery	1935-1940
Carl B. Stiger	Tama	1936-1942
Edward A. Sager	Bremer	1937-1942
Ernest M. Miller	Shelby	1937-1938
Ralph A. Oliver	Woodbury	1938-
Frederic M. Miller	Polk	1939-1946
Oscar Hale	Louisa	1939-1950
Theodore G. Garfield	Story	1941-
Charles F. Wennerstrum	Lucas	1941-
Halleck J. Mantz	Audubon	1943-1953
John E. Mulroney	Webster	1943-1955
William A. Smith	Dubuque	1943-
Norman R. Hays	Marion	1946-
G. King Thompson	Linn	1951-
Robert L. Larson	Johnson	1953-
Henry K. Peterson	Pottawattamie	1955-

the 56th General Assembly set the yearly salary for members of the Supreme Court at \$12,000, to take effect as the judges are re-elected or new judges elected.

The constitutional qualifications required for a judge of the Supreme Court are negligible. Naturally, it is assumed that a judge must have the legal voting qualifications: twenty-one years of age, residence in Iowa, and citizenship. However, no formal legal training apparently is required by law. This is in contrast with the requirements in Texas, where a Supreme Court judge must be thirty years of age and have had at least seven years of law practice or judicial experience. Conceivably, in Iowa a person without law experience could become a member of the Supreme Court, but this has never occurred.

Members of the Supreme Court are selected by popular election, as provided in the state Constitution. Nomination of judges in Iowa is not by the primary, as is the case in all other public elective offices; instead, nominations of candidates for the Court are made by the two major political parties in special judicial conventions. All of the qualified voters in the state are eligible to participate in the selection of the Supreme Court judges, since voting on them is statewide.

At the present time all the members of the Supreme Court are Republicans. While the state statutes are silent upon the geographic distribution of the residence of the members of the Court, political expediency requires consideration of the candidate's residence in the nominating convention. The present members of the 1956 Iowa Supreme Court are: William L. Bliss, Mason City; Theodore G. Garfield, Ames; Norman R. Hays, Knoxville; Robert L. Larson, Iowa City; Ralph A. Oliver, Sioux City; Henry K. Peterson, Council Bluffs; W. A. Smith, Dubuque; G. K. Thompson, Cedar Rapids; and Charles F. Wennerstrum, Chariton.

At each biennial election, three positions on the Supreme Court are filled. The term of office is six years. Thus, in theory, every two years three judges' terms expire. Should a vacancy occur on the Court, by death, resignation, or impeachment, the Governor has the power to fill the vacancy by appointment. This appointee serves until a successor is elected and qualified, and he may be a candidate for the post. The judges are subject to removal by impeachment. The procedure would involve indictment by the House of Representatives of the General Assembly and conviction or exoneration by the Senate.



The post of chief justice of the Iowa Supreme Court rotates every six months, with the senior member in time of service usually assuming the position. For some years the chief justiceship rotated every year, but the 45th General Assembly in 1933 ordered that the title be passed on each six months. No additional salary accompanies the title.

*Procedure.* The Iowa Supreme Court usually sits in two divisions.<sup>3</sup> A division consists of four associate justices and the chief justice. However, on matters of constitutionality the entire bench sits to hear the case. In cases in which a division of the court is utilized, the hearing is conducted and the four justices and the chief justice weigh and consider the rights of each party; the records in the case are then assigned to one of the judges for study and the preparation of an opinion. After the opinion has been prepared, it is submitted to all of the nine members of the court, along with the records in the case. Five members constitute a quorum, which must be present to render a decision. After further conferences, the vote of all members is taken and a decision rendered. Usually the decisions are unanimous. If any member of the court dissents from the majority decision, he is permitted to write a dissenting opinion. Decisions of the Iowa Supreme Court are published in yearly volumes entitled *Iowa State Reports*.

The Supreme Court staff in Iowa is relatively small. Each justice appoints his own secretary, and the justices also name the clerk of the Court, a deputy clerk, a file clerk, and a messenger. The position of statistician of the judicial department was created by the 56th General Assembly in 1955. The Supreme Court and its staff are housed in the State Capitol, where all cases are heard and all decisions rendered.<sup>4</sup>

Usually the Supreme Court sits at three regular terms in each year. The first term begins in January and ends with the first Monday in May. The second term begins on Tuesday after the first Monday in May and ends with the third Monday in September, while the third term begins with the first Tuesday after the third Monday of September and ends with the third Saturday of December.

The time allotted to each term is divided as nearly as practicable into periods of four weeks, the first part of each period being devoted to the

<sup>3</sup> Jack T. Johnson, "The Supreme Court in Session," *The Palimpsest*, 19:191-5 (June, 1939).

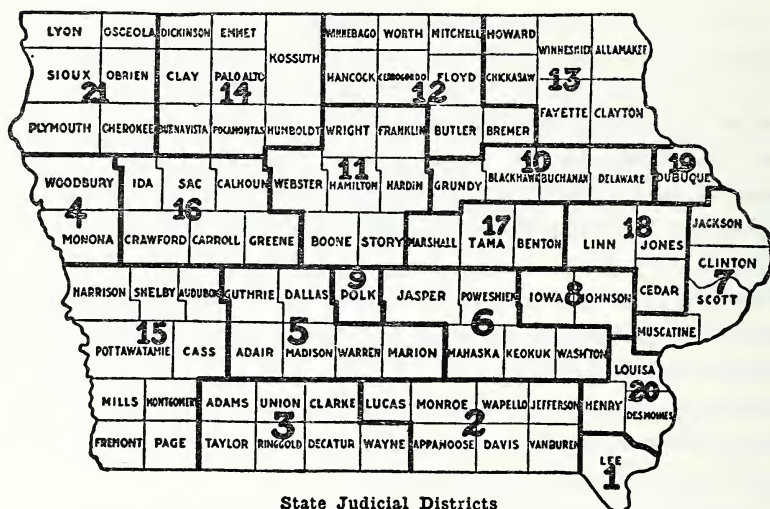
<sup>4</sup> Ora Williams, "Iowa's Supreme Court," *Annals of Iowa* (third series), 26:3-22, 138-54 (July, October, 1944).

argument and submission of cases and the second four weeks to consultation and the preparation of opinions. Cases assigned for each period are called in the order that they appear on the docket. Judgments of affirmance, rulings, and orders in cases submitted and orders authorized by law are made at any time, regardless of the term of court.

#### IOWA DISTRICT COURTS

*Jurisdiction.* The twenty-one judicial district courts in Iowa have both original and appellate jurisdiction. In contrast to the Supreme Court, their appellate jurisdiction is of less importance than their original jurisdiction.

### Courts of Iowa



State Judicial Districts

They do, however, act as a court of appeals over matters which arise from justice of the peace courts, superior courts, industrial commissioners' courts, and other inferior tribunals. The large bulk of district court dockets are filled with original jurisdiction cases. Both criminal and civil cases are heard in the district courts. They also act as probate courts, administering the estates of deceased persons and those under guardianship.<sup>5</sup>

*Organization.* Eleven district courts were provided by the Constitution of 1857, with the General Assembly authorized to increase the number of districts after 1860. An amendment of 1884 allows the General Assembly

<sup>5</sup> *Code of Iowa, 1954, Chap. 604.*

to change the districts at any time; such reorganization, however, may not remove a judge from office. The General Assembly has been cautious in adding new districts. A 12th district was created in 1864, a 13th in 1872, the 14th in 1876, and so on. By 1925 there were 21 districts, and no changes have been made since. It is doubtful that there will be any increase or decrease in this number in the near future, unless the movement for reorganization of the judiciary becomes more powerful.<sup>6</sup> The territorial size of the districts is of great variation, from the single-county districts of Polk, Lee, and Dubuque, to the 15th district which embraces nine counties. These districts have been arranged with a view to the judicial work occurring in each area. Likewise, the number of judges varies from one district to another. In four districts only two judges are elected, while in a majority of the districts there are three. The 9th Judicial District (Polk County) has the largest legal agenda and the largest number of judges — six.

Just as the Iowa Supreme Court judges are popularly elected, so are the district judges. Similarly, nomination is by a judicial district convention of each party rather than by direct primary. All qualified voters in the judicial district may participate in the selection of the district judges. Iowa now has seventy judges in the twenty-one districts.

The term of a district judge is four years. In districts with two judges, usually one judicial post is up for election at every general election. Other districts may have two or even three judicial races at every general election. District court judges now receive annual salaries of \$10,000 plus a limited expense account for sessions of court. The pay was set at \$7,000 in 1949 by the 53rd General Assembly, and was raised by the 55th General Assembly in 1953 and by the 56th in 1955.

*Procedure.* In the civil branch, two classes of cases are tried by the district courts: cases in law and cases in equity.<sup>7</sup> Law cases are usually tried before a judge and jury, while ordinarily no jury is used in equity cases. Trial by jury may be waived in criminal law trials. Where both a judge and jury are used, the judge determines questions of law and the jury determines questions of fact. Naturally, in cases of equity, where jury trial is waived, the judge decides both questions of law and of fact.

<sup>6</sup> Dan E. Clark, "Judicial Districting in Iowa," *IOWA JOURNAL OF HISTORY AND POLITICS*, 5:455-97 (October, 1907).

<sup>7</sup> Jacob A. Swisher, "The Jones County Calf Case," *The Palimpsest*, 7:197-208 (July, 1926); Jasper H. Ramsey, "The Jones County Calf Case," *ibid.*, 33:369-92 (December, 1952).

Criminal procedure in the Iowa district courts is to a rather large degree prescribed by the Constitution. In all criminal procedure the state is the prosecutor. In cases of felonies the accused is "arraigned" — formally informed as to the charges preferred against him. The indictment preceding the arraignment may be either by grand jury or by information filed by the county attorney with the district court. In open court the accused must plead either guilty or not guilty. If the plea is not guilty, the trial with jury follows. The accused may in Iowa request a change in venue — requesting that the trial be moved to another county because of the belief that a fair and impartial jury cannot be obtained in the county of arraignment. The judge must rule for or against the request. The actual trial is conducted by one judge of the district court with a jury of twelve. During the trial, the accused may or may not appear in his own behalf as he and his counsel decide most advantageous. Underlying the entire criminal trial is the doctrine that the man is innocent until he has been proved guilty. Jury verdicts must, of course, be unanimous. The jury in criminal trials determines the guilt or innocence of the accused. The judge then sets the accused free or sentences him to the state reformatory or the state penitentiary, depending on the decision of the jury. Iowa uses the indeterminate sentence rule.

District courts are held in the county courthouses of the various counties in each judicial district. The judges usually rotate with each term of court, with a judge seldom holding two consecutive terms of court at the same county courthouse. Because of the fact that the district courts are held in the county courthouses, the name "county court" is often applied to the district courts in Iowa. However, strictly speaking, there are no county courts in the state.<sup>8</sup>

#### ORIGINAL COURT TRIALS

In addition to the district courts of Iowa, there are five other courts which may be classed as courts of original jurisdiction. The municipalities employ four different court groups (municipal courts, superior courts, police courts, and mayor's courts), while the rural areas of Iowa still utilize the time-honored but often criticized justice of the peace court system. It is in these lower courts that most Iowans receive their impression of the judicial procedure. It is here that the necessity for equal justice as well as rapid justice must prevail.

<sup>8</sup> James R. McVicker, "The Administration of Justice in the County," *Iowa Applied History Series* (6 vols., Iowa City, 1912-1930), 4:320-63.



Iowa's 934 cities and towns are given a variety of courts from which to select the type of judicial procedure desired. Cities of more than 15,000 population may choose to have either superior courts or municipal courts, and may also institute a police court to handle criminal cases. Cities with a population of more than 5,000 have the same choice between municipal and superior courts but do not usually have police courts. The cities that do not have the option of superior or municipal courts rely primarily upon the mayor's court for dispensing local justice. As a result, nearly 900 mayor's courts are periodically in operation in the rather complicated and confusing Iowa local court system.<sup>9</sup>

*Municipal Courts.* Since 1915 any city in Iowa with a population of more than 5,000, whether organized under a special charter, commission form of government, manager form of government, or the general law for the incorporation of cities or towns, may establish a municipal court.<sup>10</sup> The territorial limits of such a court extend to the limits of the city and include therein all civil townships in which the city or part of the city is located.

The jurisdiction of the municipal courts is relatively extensive. In civil matters it is concurrent with the district courts; however, the amount in controversy usually does not exceed \$1,000. Municipal courts do not have authority over matters in probate, actions in divorce, alimony, separate maintenance, matters directly affecting the title to real estate, and juvenile proceedings, unless otherwise authorized.

In cities where municipal courts are established the police court, mayor's court, justice of the peace court, and the superior court in the municipal court district are usually abolished, if such have ever existed. All criminal matters that those inferior courts have jurisdiction over are included in the municipal court's jurisdiction. Exclusive jurisdiction of prosecutions for violations of city ordinances rests with the municipal courts. Misdemeanor cases, in which the punishment exceeds a fine of \$100 or imprisonment of more than thirty days, are tried exactly as in the district courts.

Appeals from the municipal courts go to the district courts. Likewise, cases brought into the municipal courts may be on occasion transferred to

<sup>9</sup> *Code of Iowa, 1954*, Chaps. 602, 603.

<sup>10</sup> Francis R. Aumann, "Administration of Justice in Iowa Cities" (Ph.D. thesis, State University of Iowa, 1928), published in *Iowa Applied History Series*, 7:145-225.

district courts, the municipal court judge being willing. Naturally the municipal courts have the same powers in reference to injunctions, writs, orders, and other proceedings in and out of court as are possessed by the state district courts and their judges.

Only nine cities in Iowa maintain municipal courts: Des Moines, Sioux City, Council Bluffs, Cedar Rapids, Waterloo, Ames, Burlington, Clinton, and Marshalltown. All municipal judges are popularly elected by the municipal electorate for four-year terms. The number of judges on a municipal court is determined by the population of the municipality, with a maximum of four judges. The Des Moines court has four judges; Council Bluffs, three; Sioux City, Cedar Rapids, and Waterloo, two each; and Ames, Clinton, Burlington, and Marshalltown, one each. The salary of the judges is determined also by the size of the city. Cities over 75,000 (Des Moines and Sioux City), according to the laws of the 55th General Assembly in 1953, pay their municipal judges \$5,750 annually, while cities of population between 30,000 and 75,000 (Council Bluffs, Cedar Rapids, and Waterloo) pay \$5,500; cities of less than 30,000 pay the municipal judges \$4,875. According to the state statute, judges of the municipal courts must have been, at one time, practicing attorneys.<sup>11</sup>

The clerks of the municipal courts are popularly elected for four-year terms unless the city council appoints the city clerk to act as municipal court clerk. Bailiffs are likewise popularly elected. The salaries are set by state law, again depending upon the population, with the clerks in the large cities receiving \$4,500 per year, while clerks in cities under 30,000 get about \$3,500. Similarly, bailiffs' pay ranges from \$3,800 to \$3,300, depending on population.

*Superior Courts.* A third group of courts is provided by an 1876 Iowa statute. These are the superior courts which may be established in any city in Iowa with a population of over 4,000. The jurisdiction is for the most part the same as that of the municipal court. Superior courts have concurrent jurisdiction with the district courts in all civil matters. They have exclusive original jurisdiction to try and to determine all actions, civil and criminal, for the violation of city ordinances and all jurisdiction ordinarily conferred on police courts and justices of the peace.

Only two cities in Iowa maintained superior courts in 1954: Keokuk

<sup>11</sup> *Code of Iowa, 1954*, Chap. 602, Sec. 7.

and Oelwein, and Oelwein has now abandoned its superior court. Just as in the case of municipal courts, whether or not the city establishes a superior court depends upon the will of the electors, for by a process of petitions and a majority vote on the question ("Shall the city maintain a superior court?") such a court is established. Each superior court has one judge who is elected by the voters of the municipality for a four-year term. The qualification required of a superior court judge is that he be a practicing attorney, but he need not give up his legal practice, since the duties of this court do not require his full time. As in the municipal courts, the salaries of the judges depend upon the size of the city. Cities of less than 25,000 pay \$2,400, and cities between 25,000 to 45,000 pay an annual salary of \$3,000 for the superior court judge. The first two quarters of the judge's pay are taken from the city treasury, while the last two come from the county treasury in which the superior court is located. Other officials of the superior court are provided for by the city council and are usually paid on a per diem basis. Appointment of a court shorthand reporter and a deputy clerk is by the city council, but the superior court judge ordinarily is influential in the selection.

The people may abolish the superior court for their city just as they may abolish municipal courts by a majority vote cast on the proposition.<sup>12</sup>

*The Mayor's Court.* The mayor is an elective officer chosen by the voters of the city or town for a term of two to four years.<sup>13</sup> He is defined by statute as a "magistrate," and as an "officer of justice," and is invested with the powers of a magistrate although he is not primarily a judicial officer. He is the chief executive officer of his city or town, and also participates in the exercise of legislative powers and functions.

The mayor's duties are in general prescribed by the statutes, but they are more specifically enumerated and described in the various municipal codes or ordinances of the cities and towns, especially with reference to the enforcement of the municipal ordinances and regulations.

The mayor's court is in its nature chiefly a tribunal of summary procedure for the enforcement of the city ordinances. The court has also the function of preserving the peace of the city.<sup>14</sup> The superior, municipal, or police courts

<sup>12</sup> *Ibid.*, Chap. 602, Sec. 51; Chap. 603, Sec. 55.

<sup>13</sup> Paul K. Huff, "Legal Status of the Mayor in Iowa" (M.A. thesis, State University of Iowa, 1941).

<sup>14</sup> *Code of Iowa, 1954*, Chap. 367, Sec. 5.

have exclusive jurisdiction of all actions or prosecutions for violations of city ordinances in any city wherein any one of these courts exist; but in all cities and towns not having any one of such courts, the mayor has exclusive jurisdiction of all actions or prosecutions for violations of city or town ordinances. In criminal matters the mayor has the jurisdiction of a justice of the peace coextensive with the county and in civil cases has the same jurisdiction within the city or town that a justice of the peace has within the township. In the absence of the mayor or a judge of the superior, municipal, or police court, or his inability to act, the nearest justice of the peace has jurisdiction to hold court in criminal cases for any of these magistrates. A case on information before the mayor for violation of an ordinance of a city or town may, upon the mayor's own motion only, be transferred for further proceedings to any justice of the peace within such city or town, who thereby acquires full jurisdiction.

The mayor's court is not a statutory court of record in Iowa. This omission, however, relates only to the non-admissibility of the mayor's records as conclusive evidence in other courts. As a matter of practice, substantial records are generally kept of all proceedings of the mayor's courts in official dockets provided for the purpose. Such records are usually similar to those kept by justices of the peace, and often the records required to be kept are particularly described in the city or town ordinances relating thereto.

The proceedings before a mayor are, in general, similar to those before a justice of the peace, but no change of venue is allowed in actions or prosecutions under municipal ordinances, and trial is by the court without a jury, except upon appeal. Appeals and writs of error are taken from the mayor's court to the district court in the same time and manner and under the same restrictions as from the justice of the peace courts. On the hearing of such appeals or writs of error, the court takes judicial notice of the city or town ordinance.

The actual administration and practical workings of the mayor's courts over the state are reasonably efficient and satisfactory, especially from the standpoint of the peace and security afforded both the citizens and the visitors within the cities and towns of Iowa. The office is usually a distinctly attractive local political prize, as evidenced by the keen competition for its honors at the city elections, at which there are almost invariably two and frequently more candidates.

*The Police Court.* The police court is now established by statute in



cities of over 15,000 population wherein there is no municipal or superior court. Its jurisdiction is that of the justice's and mayor's courts in all criminal actions, no civil jurisdiction being assigned to it. It is prescribed by statute to be a court of record, to have a seal provided by the city, and to be open at all times for the transaction of business. The clerk of the police court is prohibited from being in any way concerned as counsel or agent in the prosecution or defense of any person before this court. Provision is made by ordinance for jurors with the qualifications required by law and for all other matters in relation to this court that may tend to make for its efficiency.<sup>15</sup>

The judge of the police court is defined by statute as a "magistrate" and as an "officer of justice," and is therefore invested with the statutory powers of a magistrate.

The police court is a court of record, but the judge is not required to be an attorney at law. If he is an attorney at law, duly admitted to practice under the laws of Iowa, he is not prohibited from the practice of law in civil matters during his term of office. In cities of the first class having the police court, the police judge is an elective officer, except that in cities having the commission or manager plan of government, the police judge holds his office by appointment from the council. For statutory cause, he is amenable to the provisions of the "Casson Law" for the trial and removal of officers.

The proceedings in a police court are, as far as applicable, similar to those before a justice of the peace. However, no change of venue is allowed in actions or prosecutions under ordinances, and the trial is before the court without a jury, except upon appeal. Appeals and writs of error are taken therefrom to the district court of the county as from the justice's court. On the hearing thereof, the district court takes judicial notice of the city ordinances.

*The Justice of the Peace.* Justices of the peace in Iowa are called by a variety of titles. They may be defined as county officers, as magistrates, and as officers of justice.<sup>16</sup> To be sure, they are also called by less formal titles. The justice of the peace is the people's judge. He is by the design of the Iowa statutes near to the people for the purpose of furnishing prompt relief in innumerable civil matters and to administer criminal law with

<sup>15</sup> *Ibid.*, Chap. 367.

<sup>16</sup> Howard J. Holister, "Justice of the Peace Courts in Iowa County" (M.A. thesis, State University of Iowa, 1928).

a minimum of delay. Justices have limited jurisdiction in both civil and criminal cases. In general the jurisdiction includes in civil cases (except cases in equity) all cases with amounts of less than \$100 and in cases of \$300 or less with the consent of both parties. Territorially the jurisdiction includes the county within which the justice of the peace has been elected.

Actions in justice of the peace courts are commenced on voluntary appearance or upon serving a notice. Justices may issue search warrants, limited by the usual rules on unreasonable search and seizure. A change of venue from one justice court to another is possible on statutory grounds. Appeals from the justice courts are taken to superior courts, where such exist, or may be taken to the district court upon the option of the defendant.

In criminal cases, the jurisdiction of the justice courts includes those public offenses less than a felony committed within the county, the penalty for which does not exceed a fine of \$100 or imprisonment for more than thirty days. Jury trial in such cases may be obtained, with a jury consisting of six jurors, as in civil cases.<sup>17</sup>

Except in municipal court districts, the law provides that two justices of the peace shall be elected for each township. No special qualifications are prescribed by law, but it has been held to be an implied principle of government that the justice of the peace shall be a qualified voter. An official bond and oath are required.

The term of office of the justice of the peace is two years, and once a man is elected to the position, he will usually be re-elected almost automatically if he desires to continue in office. The compensation is through fees for specific services as determined by statute. Accounting for the fees received must be made to the county board of supervisors. Justices are subject to removal for the usual reasons assigned to an elective office. Resignation may be made in writing to the county auditor. In case of a vacancy, the board of supervisors may fill the position until the next general election. The justice of the peace acts both as a judge and as a clerk of his court. The constable, also a popularly elected official, is the proper executive officer of the justice of the peace court. Many times the county sheriff also aids the justice in the execution of his jurisdiction.

The justice of the peace court has been an integral part of the Iowa system for the administration of justice ever since the creation of the Territory of Iowa. There has never been any concerted effort to abolish

<sup>17</sup> *Code of Iowa, 1954*, Chap. 601.

the J. P. court in Iowa. The legislature has given the cities various other alternatives, but it has never provided any other judicial system for the rural areas.

#### COURTS OF SPECIAL JURISDICTION

Iowa law provides for four courts of special or limited jurisdiction: (1) the court of conciliation; (2) the juvenile court; (3) the probate court; and (4) the court of impeachment.

*Court of Conciliation.* The court of conciliation is, in reality, not a separate court but rather an auxiliary of the superior, district, and municipal courts. The judges of the three types of courts adopt and enforce rules prescribing the manner of settlement of controversies by conciliation. No legal counsel is involved in the procedure. The proceedings are very informal and no record is preserved unless by special agreement of the persons concerned. Usually less than \$100 is involved in the cases settled by conciliation.<sup>18</sup> This plan of an informal court has not been as widely utilized in the United States as it has in other countries. Iowa has not made extensive use of this special court.

*The Juvenile Court.* Iowa law provides that the district judges, and the superior or municipal court judges when so designated, are the juvenile court judges. The juvenile courts are courts of record, with separate record books kept of all transactions, and have original and full jurisdiction over all cases coming under the juvenile court acts. The courts are always open for transaction of business, but the hearings in the cases are held only at times designated by the judge of the juvenile court. Frequently these are private hearings in the judge's chambers. The primary aid of the Iowa juvenile court judge is the probation officer, who is appointed by the judge, with a salary established by state law according to the population of the county. Probation officers receive a per diem pay in smaller counties and a yearly salary in the more populous areas. The powers of the probation officials are identical with those of peace officers.<sup>19</sup>

*The Probate Court.* This court, like the juvenile court, is not strictly speaking a separate court but is rather another specialized function performed by the Iowa district courts. During certain designated days of the court term the district judge serves as the probate judge for the purpose

<sup>18</sup> *Ibid.*, Chap. 605, Sec. 19-21.

<sup>19</sup> *Ibid.*, Chap. 231, Sec. 1-13.

of transacting the business of the probate court. The matters dealt with include probating wills, the appointment of administrators for estates of deceased persons, and the appointment of guardians.<sup>20</sup>

*The Court of Impeachment.* The Senate of the Iowa General Assembly is the court of impeachment when impeachment proceedings are instituted. All state officers, and all supreme court, district, or superior judges are subject to impeachment by written accusation by the House of Representatives. The charge is usually either a misdemeanor or malfeasance in office. Members of the Senate receive six dollars per day while in session as a court of impeachment. The rules followed are similar to those of any court of record, with the defendant being accorded the right of counsel, witnesses, and other procedural safeguards. The punishment, if the accused is found guilty, is removal from office and disqualification to hold any public office of honor, trust, or profit in Iowa.<sup>21</sup> This court has never operated in Iowa.

#### JUDICIAL ADMINISTRATION

*The Judicial Council.* The judicial council movement in Iowa was short lived and relatively ineffective. In 1930, seven years after the adoption of the judicial council in Ohio, Professor Francis Aumann suggested that Iowa badly needed an agency similar to the Ohio council. The objective of the agency, which was activated in 1932 but allowed to expire in 1936, was to improve judicial organization and administration. However, the judicial council as established in Iowa was merely an advisory agency with insufficient power to carry on the three major functions ordinarily associated with this type of organization: (1) general administrative supervision of the judicial business of the state; (2) rule-making powers for the state courts; and (3) the power to conduct investigations and research on special subjects as requested by the legislature, the Governor, or the judiciary.<sup>22</sup> The Iowa judicial council was dropped during the economic depression because of lack of funds to finance the work, and there has been no attempt to revive it.

*Revision of the Jury System.* As in almost all of the states, the Iowa jury system is antiquated. Part of the ineffectiveness is no doubt due to the low compensation allowed for jury service. Until recently jurors were paid \$3.00 per day and five cents per mile for travel expense. The 55th

<sup>20</sup> *Ibid.*, Chap. 631.

<sup>21</sup> *Ibid.*, Chap. 68.

<sup>22</sup> W. Brooke Graves, *American State Administration* (Boston, 1953), 619-23.



General Assembly increased the pay to \$5.00 per day and the mileage allotment to seven cents per mile, a sum that still forces many citizens to make a financial sacrifice if they are called to serve upon the jury.<sup>23</sup> The low caliber of the juries in Iowa and elsewhere may be partially laid to the exemption system. Iowa law exempts seven classes of persons from jury duty:

- 1 Persons holding office under the laws of the United States or of Iowa.
- 2 Practicing attorneys, physicians, licensed embalmers, and other professional personnel.
- 3 Professors or teachers of any college, school, or other institution of learning.
- 4 Persons disabled by bodily infirmity.
- 5 Persons over sixty-five years of age.
- 6 Active members of any fire company.
- 7 Persons conscientiously opposed to acting as jurors because of religious faith.<sup>24</sup>

Iowa's jury system probably needs the usual remedial action. Entirely too many cases are given jury trial. Greater use should and could be made of trial by judge without jury. Likewise, administrative tribunals should be expanded, with greater use made of quasi-judicial boards and commissions.

The traditional twelve-man jury is employed in Iowa courts. Decisions must similarly be made by the traditional unanimous verdict of all twelve members of the jury. Reduction in the size of juries and the allowing of verdicts of two-thirds or three-fourths of the members would aid in improving Iowa's juries.

*Supervision of the Court System.* In Iowa, as in many other states, the Constitution provides that "the Supreme Court shall . . . exercise a supervisory control over all inferior judicial tribunals throughout the state." This supervisory power vested in the Supreme Court has never been fully utilized by that tribunal. The supervision usually has been in theory only. The inferior courts are not directly supervised or aided materially by the Supreme Court. It is doubtful if any attempt at supervision would be welcomed by the secondary courts of the state. Probably one of the most

<sup>23</sup> *Laws of the Fifty-fifth General Assembly, 1953, Chap. 248.*

<sup>24</sup> *Code of Iowa, 1954, Chap. 607.*

urgent needs in Iowa, as in many other states, is the establishment of an administrative officer to head the court system. The rotation of the Iowa chief justice post makes it impracticable to expect him to perform the administrative duties commonly associated with this office.

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From this survey of the Iowa courts, it is apparent that the development of the court system has been similar to that of state and local administration systems. Frequently new judicial needs, whether local or statewide, have been met by the creation of a new court with its own limited jurisdiction. Jurisdictional overlappings between courts oftentimes have not been avoided.

It must be emphasized that even with the duplication of jurisdictional powers, the Iowa courts have maintained a high degree of integrity, ability, and remarkable efficiency in the performance of their judicial responsibilities. There are evidences of defects, both peripheral and central, as in almost all human institutions. But in spite of the organizational problems that present themselves in the Iowa judicial system, Iowa citizens have attained justice, with reasonable dispatch and at reasonable expense, the fabulous Jones County Calf Case notwithstanding.

Improvements in the system may be attained in Iowa with much greater ease than in many states, because a great majority of the organizational structure and procedure requirements may be modified by statutory action rather than by constitutional amendment. Many of the detailed constitutions found operative in other states would require longer time and more concerted pressure than would be necessary in Iowa for major court system modification.

## POLITICS AND SOCIETY IN SIOUX CITY, 1859

By Robert Edson Lee\*

The frontier is commonly defined as the line drawn through regions with a population of two to six inhabitants per square mile. The region to the west, with a population of less than two people per square mile, is said to be "beyond the frontier." In Iowa in 1860 the frontier line was roughly a straight line drawn from Council Bluffs northeast to Mason City.<sup>1</sup> Beyond this line, the student of history pictures a wilderness; east of it, a neat and ordered patchwork of emerging farms and towns settled by eager, strong, individualistic, staunch pioneers somewhat starry-eyed with the concept of Manifest Destiny. To such a student, the early newspapers of Sioux City present a problem. For instance, in January, 1859, the firm of Heineman & Gumbert, Sioux City, was forced out of business to satisfy debtors; the advertisement for the sheriff's sale lists an extraordinary collection of merchandise: tooth brushes, bear's oil, dirk knives, overshoes, garters, stocks, neck shawls, artificial flowers, gauntlets, large mirror, long boots, vests, bed ticking, sardines, moccasins, feather dusters, ink stands, calicoes, mousdelaine, marsailes, mantillas, fans, bracelets, playing cards, fish hooks and lines, thimbles, jewsharpes, fancy soaps, powder flasks and horns, umbrellas, violins, pocket diaries, buffalo robes, fox and wolf skins, glove stretchers, pocket pistols and revolvers, fancy furs, veils, and about one hundred items more.<sup>2</sup> This list uncovers a cultural complexity not fitting to a town a hundred miles beyond the frontier. This does not sound like the wilderness.

It would seem that the "frontier line" is a term of convenience. No such fence row, marching steadily westward, existed in fact. The actual frontier was a fluid thing. Spearheads of settlement surged out beyond the line to military forts or along military roads or up the navigable rivers. Such settlements scarcely waited for surveyors or economic pressures from

\*Robert Edson Lee is a doctoral candidate in American Civilization at the State University of Iowa.

<sup>1</sup> William J. Petersen, "Frontiers of the Pioneers," *The Palimpsest*, 32:55-6 (January, 1951).

<sup>2</sup> *Sioux City Eagle*, Jan. 15, 1859.

behind or the giving way of Indian lands to the west. Rumors of gold made towns of a thousand overnight. Land speculators platted cities on likely sand bars along the bends in major rivers. Although the frontier line was but approaching western Iowa in 1860, there were by then settlements in nearly every future state to the west.

Consider the western border of Iowa in 1860, the "frontier." Indians to the north prevented movement up into the Little Sioux River region. Settlements at the far south were involved in the slavery controversy and border warfare preliminary to the Civil War. In between are outfitting stations for western emigrants, some of which flourished (Omaha and Council Bluffs) and others which were to fail (Pacific City, Iowa). Some settlements were contact points for the northwest fur trade. There were islands of stranded Mormons. There were towns whose only development was ghostward. The actual frontier line in 1860 included communities which had existed for thirty years and lands which would not be occupied for thirty years more. Homogeneity of character cannot be assumed. Generalizations about such a frontier must be very general indeed.

A case in point is Sioux City, in Woodbury County on the Missouri River. After studying its origins and, through its newspapers, its culture while it was still west of the frontier line, what generalizations can be made about frontier characteristics — the reputed violence on the frontier, the equality of opportunity, the individualism, the idealism, the political liberalism, the personal freedom, the absence of social castes?

Sioux City's origins lie in French-Canadian traders who built cabins in 1848 and 1849. In December, 1854, Dr. John T. Cook arrived; ostensibly he performed his duties as the government surveyor, but privately he was looking for a townsite to be developed by his newly formed Sioux City Townsite Company to which Senators Augustus C. Dodge and George W. Jones had subscribed the summer before. In 1855 Cook and the real estate promoter Daniel Rider bought out the squatters at Sioux City, and Dodge and Jones worked in Washington to secure the United States Land Office for the city — a Land Office that was to sell about one-eighth of all the land in Iowa (this at a time when there were but two log cabins at Sioux City). In March of 1856, with the help of a keg of whisky on election day, local settlers voted to have the county seat moved to Sioux City from the rival Sergeant's Bluff. In June, 1856, the first steamboat stopped at Sioux City. With the Land Office, the county government, and river trans-



portation assured, the town began to grow. Four hundred people had arrived by the end of 1856 — government officials, land speculators, bankers, lawyers, merchants, and confidence men.<sup>3</sup>

One of the land speculators was John F. Charles who has left us a vivid picture of frontier conditions. He arrived in December, 1856, in a blizzard, and spent the night at the two log cabins that formed the Hagy House or Western Hotel, nicknamed "The Terrific." A dozen men were clustered around a stove, one of them with an umbrella raised to keep off the blowing snow inside the cabin. The men were "a hard-looking set . . . dirty and ragged, but talked chiefly of their real estate sales and of the money they had made." Charles slept that night under a buffalo robe with the future postmaster, and nearly froze to death.<sup>4</sup>

Newspapers soon followed. In the spring of 1857, Seth W. Swiggett and his printing press arrived by river from Cincinnati, Ohio, and began (July 4, 1857) publishing the *Sioux City Eagle* as an independent paper. Down river at Sergeant's Bluff, Francis M. Ziebach, printer from Lewisburg, Pennsylvania, published the *Western Independent* beginning in August, 1857. But since Sioux City grew and Sergeant's Bluff did not, Ziebach closed down the one paper and opened up another, the *Sioux City Register*, beginning July 22, 1858. The two papers, the *Eagle* of Swiggett and the *Register* of Ziebach, ran in competition for over a year, until October, 1859, when Swiggett sold out to Ziebach. Together, the one paper measuring the truth in the other, they give a fascinating and unusual picture of life beyond the frontier.<sup>5</sup>

The reputation of the frontier for lawlessness is well known. What can be found in these papers to support this claim? The editors dwell almost lovingly on the circumstances of crime. A Mr. Wiley of Woodbury County stabbed George Hubbell three times in the back with a dirk knife; in the same month it was reported that two men in Omaha who had stolen four horses were removed from jail and hanged.<sup>6</sup> A savage fight occurred across the Missouri in Dakota Territory; the Frenchman Lefleur survived

<sup>3</sup> Iowa Writers' Program, W. P. A., *Woodbury County History* (Sioux City, 1942), *passim*.

<sup>4</sup> Frank Harmon Garver (ed.), "Reminiscences of John H. Charles," *Annals of Iowa* (third series), 8:408 (July, 1908).

<sup>5</sup> *History of Woodbury and Plymouth Counties . . .* (Chicago, 1891), 160-61; "Francis M. Ziebach," *Annals of Iowa* (third series), 17:238 (January, 1930).

<sup>6</sup> *Sioux City Eagle*, Jan. 8, 15, 1859.

various blows of an axe which nearly cut off his right arm and his jaw.<sup>7</sup> A man in Jasper County quarreled with his wife, struck her down with an axe, cut her throat with a razor, severed her head and legs, and then in despair hanged himself.<sup>8</sup> The editor of the Omaha *Nebraskan* was "cow-hided" on the street by the wife of a maligned gentleman; opinion was that the editor deserved it.<sup>9</sup> It is not that the crimes were so frequent but that the treatment of them was matter-of-course.

The crimes reported took place anywhere but in Sioux City itself. A Sioux City alderman had shot and killed a political opponent in 1858, but this seems to have been the exception; the town was not riotous in spite of its red-light district along the waterfront, the "Sudan."<sup>10</sup> Even New Year's Eve was reported as quiet: "Little drunkenness was manifested, and the few who did resort to intoxication for enjoyment, did so when darkness concealed their orgies."<sup>11</sup> When a New Hampshire newspaper reported that "The steady drink of the Sioux City people is whiskey, and they take to it very kindly," the editor of the *Register* retorted: "The facts are, there is less liquor drank in Sioux City than in any other town of its size in the west; there is but one place where liquor is sold as a beverage, and it is a rare occurrence indeed that a drunken man is seen in our streets."<sup>12</sup>

Another way to soft-pedal home conditions was to point out how much worse conditions were elsewhere. An editorial on "The Mines! The Mines!" had this to say:

All of the accessories to vice will doubtless soon obtain a footing in the anriferous region. Gambling hells, low grogeries with all their accompanying vices, are as sure to spring into existence there as is the excitement to attract a heavy emigration. . . . Comfort and personal security are two of the non-essentials to success in border life, and need not be anticipated in a region where the only inducement to emigrate is to gratify a lust for gold.<sup>13</sup>

<sup>7</sup> Sioux City *Register*, Feb. 3, 1859.

<sup>8</sup> Sioux City *Eagle*, Feb. 19, 1859.

<sup>9</sup> *Ibid.*, Mar. 26, 1859.

<sup>10</sup> *Woodbury County History*, 62, 66.

<sup>11</sup> Sioux City *Register*, Jan. 6, 1859.

<sup>12</sup> *Ibid.*, Feb. 17, 1859.

<sup>13</sup> Sioux City *Eagle*, Jan. 22, 1859.

A correspondent in Nebraska Territory wrote back: "The weather is delightful, the air pure, the water good, whiskey high, game plenty, fiddles in demand, squaws pretty and affable, and no man was ever known to die a natural death in this country."<sup>14</sup> It seems natural that the mining camps would attract vice; it is also natural that the young town of Sioux City would attract fur traders and army men and river men, all noted for a penchant to violence. What is hard to comprehend is the high moral tone and the high society which the newspapers reported instead.

Lyceum lectures were given every week throughout the winter. A dancing school was formed. Tableaux were the fashion at local parties: "A pleasing feature, which is becoming popular at private social gatherings, are the tableaux conceived and executed by young ladies and gentlemen. They are generally of a serio-comic nature and afford much amusement, and are harmless in their results. The actors in some which we recently witnessed were quite *au fait* in their parts."<sup>15</sup> The Sioux City String Band was established. Prizes for the county fair were announced in the categories of oil painting, pastel, crayon, water color, pencil work, and engraving. A "Pike's Peak Ball" was advertised to be followed two days later by a "Grand Musical Ball." In regard to a "brilliant party" of one hundred, an editor wrote: "Had some of our eastern people, who think the citizens of the frontier are little better than semi-barbarians, been present on this occasion and seen the beauty, grace and intelligence of the ladies, and the gallantry of the gentlemen . . . they would have good cause for changing their opinion."<sup>16</sup> It should be emphasized that this was in 1859, when there were no paved streets or sidewalks in the town ("Weather item: Mud! Muddy! Much mud, a heap," or "A slight fall of rain is needed to make the mud really interesting.")<sup>17</sup> and in a region where a man could be lost in an April blizzard a mile or two outside of town. Urban pretensions are surely as important a factor as violence on the frontier. Distinct social castes are in evidence here to contradict ideas of social equality.

The social life is all the more remarkable when we consider the business character of Sioux City. Enterprise was everywhere, community spirit was limited. Large salaries had been voted to the city officials, but not enough

<sup>14</sup> Sioux City Register, Feb. 3, 1859.

<sup>15</sup> Sioux City Eagle, Jan. 22, 1859.

<sup>16</sup> Sioux City Register, Jan. 13, 1859.

<sup>17</sup> Ibid., Mar. 24, 1859; Sioux City Eagle, Apr. 16, 1859.

taxes were levied so they could collect these salaries. When spring floods swept away all the bridges across the Floyd River, nothing could be done about rebuilding them. What is wanted in Sioux City? asked one editor. More public spirit and less selfishness. "When we are visited by strangers let us treat them liberally and kindly, and not as though they were considered legitimate prey to be skinned and fleeced."<sup>18</sup>

The commercial life of Sioux City ebbed and flowed with the Missouri River, moving from freeze to flood. The town cheered when the first steamboat of the 1859 season arrived on April 9th with one hundred tons of freight and with cigars to relieve a local tobacco famine. Corn and potatoes were shipped out, and an editorial noted a hard economic light: "We are beginning to assume the character of exporters as well as importers, and just as soon as our exports exceed our imports, just that soon may we expect to witness better and easier times." Times were hard in Sioux City in 1859, partly as an aftermath of the Panic of 1857. The city's future was uncertain. The population fell to 767 in 1859 because of the exodus to the Colorado gold mines and did not number in the thousands until long after the Civil War.<sup>19</sup>

Sioux City was no boom town, thanks to the Panic of 1857, the Colorado gold rush, the Civil War, the Indian raids in the 60's, and the drainage of settlers into the Dakotas. The population was predominantly male and extremely transient. Civic duties were ignored; in the municipal election of 1859 only 156 men voted. There was fear that the entire population would leave for the gold mines or, once the Dakota lands were opened, that they would move off there. There was a strong feeling that the town would die unless a railroad could be built, and a frank admission that they were dependent on the federal government for assistance. But there was confidence, too. "Sioux City is bound to go ahead; hard times can't stop her progress."<sup>20</sup>

In line with this get-ahead spirit, there were numerous efforts to secure more people in the west. Much of the optimistic mood and motivation of the time is made clear in the editorial, "The Time to Come to the West." The time to come was obviously now, for property could be had at a low

<sup>18</sup> *Sioux City Eagle*, Feb. 12, 1859.

<sup>19</sup> *Ibid.*, Apr. 16, 1859; *Iowa Historical and Comparative Census, 1836-1880* (Des Moines, 1883), 606.

<sup>20</sup> *Sioux City Eagle*, Apr. 9, 1859; *Sioux City Register*, Feb. 17, Mar. 3, 1859.



cost, emigration to the gold mines and the opening of Dakota Territory would increase the demands for local produce, and "by industry and frugality a home and a fortune may be acquired by the poorest." It was a country unsurpassed for beauty and healthfulness, so free from epidemic diseases there had not been a single death in Sioux City for several months. "There is room, health, wealth and happiness for all who may come in the illimitable west — let all who can come!"<sup>21</sup>

But it was obvious that the emigration was going straight on through to the Nebraska gold mines, as they were called (it was Nebraska Territory, but this was the Cripple Creek strike in Colorado). The papers faithfully reproduced the letters from the gold fields, wildly speculative though they were. The editors cautioned restraint, but as spring came, all they could do was to urge a northern route across Nebraska so that Sioux City could outfit the emigrants. Then the rush was on. The town's only barber left. The daguerreotype man left. The printer of one of the newspapers deserted, and the editor and his "devil" had to publish the paper themselves. At least 10 per cent of the town population had left before April.<sup>22</sup>

So the newspapers sought to halt the exodus by ridiculing the reports from the mountains in terms reminiscent of Mark Twain. "The Wheelbarrow Man" reported that anything left in Cherry Creek for twenty-four hours would be turned to gold. "It is so strange — so marvelously, wonderfully strange, that men can scarcely credit their own senses; and yet it is every word of it true — just as true as some of those gold stories published in some of the papers in Kansas and Missouri." He proceeded to turn to gold his wheelbarrow, pistols, knives, stew kettle, candlesticks, and a dead Indian. Another report was solemnly published that the miners were greatly discouraged because they were compelled to dig through four feet of solid silver before they could reach the gold.<sup>23</sup>

The gold rush was national. Far too many people went out, not enough gold was found, and the starving men who returned attacked the wagon trains of westbound gold-seekers. Twenty thousand people at the Rockies by July, reported one newspaper, and not one in five hundred was making good wages. The gold rush was a humbug, someone charged, to draw people

<sup>21</sup> *Sioux City Register*, Jan. 27, 1859.

<sup>22</sup> *Sioux City Eagle*, Apr. 2, 1859.

<sup>23</sup> *Ibid.*, Mar. 12, 1859; *Sioux City Register*, Mar. 24, 1859.

out of Kansas and keep it out of the Union until after the elections. "Come to Iowa" instead of the mines was the final call.<sup>24</sup>

The whole affair has much to show in regard to the type of person who went west and his motivations. The gold fever was surely enough to unsettle Sioux City, but on top of this came the national break-up of political parties. Considering how recently Sioux City had been settled, considering the preoccupation of the people with get-aheadism and the general exodus to the mines, surely there would be little interest in politics. On the contrary!

Woodbury County, solidly Democratic in 1854 (with 23 voting), voted Democratic until the national election of 1860. In the gubernatorial election of October 13, 1857, the Democratic candidate Benjamin M. Samuels received 144 votes and the Republican Ralph P. Lowe, 125 votes. In the next election for Governor, October 11, 1859, the Democrat Augustus C. Dodge received 163 votes, the Republican Samuel J. Kirkwood, 132. The Republican strength in the county was located in the towns of Smithland and Sergeant's Bluff; Sioux City voted Democratic two to one. In the presidential election of 1860, Woodbury County gave 129 votes to Lincoln, 117 to Douglas, 5 to Bell, and 8 to Breckinridge. It would thus seem that Woodbury's Republican strength in the 50's was mostly a result of defection from the Democratic party, in line with the general Democratic decline throughout the state, and not so much a result of sympathy with the National Republican platform.<sup>25</sup>

The Sioux City *Register* of F. M. Ziebach backed the regular Democrats. Seth W. Swiggett's *Eagle* was avowedly independent, but Swiggett operated as a Bolter within the Democratic party in 1859. The Republicans tried to buy his support in that year; in August he was reported as nearly ready to be bought, "providing satisfactory arrangements can be made to compensate him for the Sacrifices he will necessarily have to make, as a democrat, by taking that course," but "Knowing the character of Mr. S. I would suggest that a very paltry Sum would be no inducement to him." These plans fell through, however, and Swiggett sold out to his opposition, Zie-

<sup>24</sup> Sioux City *Eagle*, May 28, June 4, 1859.

<sup>25</sup> *Census of Iowa . . . 1867* (Des Moines, 1867), 232; Sioux City *Register*, Oct. 13, 1859; *Census of Iowa . . . 1869* (Des Moines, 1869), 263; David S. Sparks, "The Decline of the Democratic Party in Iowa, 1850-1860," *IOWA JOURNAL OF HISTORY*, 53:30 (January, 1955).

bach, in October, 1859. The next year he reappeared with a Republican paper, the *Sioux City Times*, which lasted just through the national election (March 16, 1860, to November 16, 1860).<sup>26</sup> The power of the press is indicated. In 1859, both papers supported the Democratic ticket, but in 1860 one paper had gone over to the Republicans. The county's vote moved at the same time in the same direction.

The statistics give little indication of the real political intrigue and attitudes toward politics, but newspaper editorials do. Swiggett was the more aggressive editor, quick to scent out corruption, vituperative in his editorials. He was "out" and Ziebach was "in," allied with what Swiggett called the "clique" — the members of the original Sioux City Townsite Company and two new members, the Register of the Sioux City Land Office (S. P. Yeomans) and the postmaster. Swiggett watched Ziebach like a hawk and was quick to announce any irregularities. In February of 1859 a treaty was signed with the Yankton Indians which would open the way to settlement of the Dakotas. Ziebach and four other men slipped out of town to make illegal land claims, and Swiggett wondered loudly why. In the maneuvering before the city election in April, 1859, Swiggett announced that Yeomans had just sold Ziebach city lots at a nominal sum, and concluded, "The Zebra [Ziebach] is being rewarded for his servility."<sup>27</sup>

Meanwhile, as Ziebach discovered, the "independent" Swiggett was attempting to secure for himself Yeoman's position. Word was sent to Washington that Swiggett was a Bolter, a "political hybrid." Swiggett was dropped and Yeomans reappointed to the Land Office. Swiggett's comment on the affair took this form: "We ain't quite done yet. Look out! Keep your eyes skinned! You don't know where you will get hit next time!" Two weeks later he continued his invective against Ziebach: "Poor cur, we pity you; but you are so sunken and depraved that we fear pity will have but little effect for good on you, and we are therefore induced to give you an occasional kick." He added that Ziebach was a pimp for a little clique, and, "His downcast sheepish look, and averted eye, when he meets an honest man, is proof that a corrupt and wicked heart lies concealed beneath

<sup>26</sup> John W. Charles, Sioux City, to C. C. Carpenter, Mar. 28, 1859; E. H. Edwards, Sioux City, to C. C. Carpenter, Aug. 20, 1859, *Cyrus Clay Carpenter Papers* (State Historical Society of Iowa, Iowa City); *History of Woodbury and Plymouth Counties*, 161.

<sup>27</sup> *Sioux City Eagle*, Mar. 5, 29, 1859.

the ugly and loathsome exterior.”<sup>28</sup> This type of journalism, common throughout the country at this time, was no doubt motivated as much by a desire for increased circulation as it was by political convictions.

In the same issue, Swiggett smelled a rat in the approaching municipal election. The central committee of the Democratic party announced that it would not name its city candidates until the Saturday preceding the election. Swiggett yelled “anti-democratic” and “dark lanternism” and went to work. Hints of what happened came out afterward. The regular Democrats met on the Saturday afternoon, April 2, 1859, in a blizzard, self-confident but few in number. Once the meeting was opened officially, the Bolters (and Swiggett) appeared in a body and with their majority forced the official party to name their own candidates—but voted the next week for the successful reform candidates of the Citizens’ party. Ziebach stormed: “Where is the Republican that would condescend to such meanness?” Swiggett sat back and said calmly: “Election is over; what will come up next to excite and interest?”<sup>29</sup>

Swiggett’s whole approach to local politics is instructive. On the local level it was a game, a sport, an entertainment. The only discernible issue was the demand of the Citizens’ party to elect city officers who would volunteer to serve without pay (since tax money to pay salaries could not be collected anyway): “We are not choice as to the politics of our officials, so that they will do something for the City,” wrote Swiggett.<sup>30</sup> Ziebach and the regular Democrats were more conservative than Swiggett and the Bolters.

On the national level, the Bolters were for Douglas and the regular Democrats for Buchanan, but both were numerically too small to count for much in the state Democratic party. Ziebach complained that the Democratic state convention was run by the eastern Iowa politicians, and naturally it would be.<sup>31</sup> Woodbury County’s state representative was elected from an eight-county district in 1859; the state senator was named from a twenty-three county district.<sup>32</sup> However, both the Republican and the Democratic parties recognized the growing importance of the “western slope” and nomi-

<sup>28</sup> *Ibid.*, Mar. 12, 26, 1859.

<sup>29</sup> *Sioux City Register*, Apr. 7, 1859; *Sioux City Eagle*, Apr. 9, 1859.

<sup>30</sup> *Sioux City Eagle*, Mar. 19, 1859.

<sup>31</sup> *Sioux City Register*, Apr. 21, 1859.

<sup>32</sup> *Census of Iowa . . . 1867*, 201, 203.



nated a Lieutenant Governor and a Supreme Court judge from that area, but from Pottawattamie County, not Woodbury. Even Swiggett complained that the Democratic nominee of the Woodbury County district for the state senate, John F. Duncombe of Fort Dodge, was too far away from Sioux City.<sup>33</sup> The frontier had little voice in state politics.

Indeed, Ziebach complained of the general apathy: "In this warfare of personal interests and animosities, local matters have been everything, while state and national questions have received but a meager consideration."<sup>34</sup>

The question remains whether Woodbury County politics was controlled by the townspeople or by the farmers. In spite of the strong suspicion that Ziebach's "clique" and Swiggett's Bolters controlled the local situation, there is at least talk that each individual on the frontier controlled his destiny. A visiting judge in a Lyceum address had this to say: "The Farmer has little time to spare to engage in Politics, and sometimes from that fact is said to be conservative, or to use a recent term, he is regarded as an Old Fogy in politics. But let Political Demagogues [*sic*] once swerve from a true line of policy, and they soon find that the Farmer is the government."<sup>35</sup> However, since in 1859 some 68 per cent of Woodbury County's population lived in Sioux City, it can be inferred that at this time the town dominated the county, politically, although centers of Republicanism in two smaller towns were growing.

In 1859 and 1860 the Democrats controlled Woodbury County, even though the state of Iowa was now voting Republican. The Bolters voted the Democratic ticket in the fall of 1859 because, as Swiggett made quite clear, the Republicans had refused to include a single Bolter on their slate of local officials.<sup>36</sup> Swiggett, however, said nothing against the Republicans on the national level. That effort was entirely Ziebach's. He called the Republicans disorganized and fanatical. He fulminated on "Slavery Aggression" and spoke of popular sovereignty as the "grand safeguard of freedom and the grand opponent of slavery," and he called Republicanism "Niggerism."<sup>37</sup>

Although Sioux City in 1859 sent delegates to the state convention of

<sup>33</sup> *Sioux City Eagle*, Aug. 6, 1859.

<sup>34</sup> *Sioux City Register*, Jan. 6, 1859.

<sup>35</sup> *Sioux City Eagle*, Mar. 19, 1859.

<sup>36</sup> *Ibid.*, Sept. 24, 1859.

<sup>37</sup> *Sioux City Register*, Jan. 13, Feb. 10, Mar. 24, 1859.

the Republican, the Democratic, and the Temperance parties, probably the Democratic delegate represented the will of the majority. If so, the majority from this particular frontier town was conservative. The Democratic platform resulting from the state convention at Des Moines, June 23, 1859, may indicate local stands on political issues: (1) reaffirmed the 1856 Democratic stand in favor of states' rights; (2) approved self-government in the Territories; (3) favored territorial popular sovereignty on slavery; (4) asserted the supremacy of the Supreme Court; (5) opposed nullification; (6) favored a tariff for revenue only, but with "incidental protection"; (7) desired the acquisition of Cuba; (8) called for land grants to build a Pacific railroad; (9) favored a homestead act. Resolutions were also passed in regard to state policy: (1) lower taxes; (2) more white immigrants; (3) against cheap Negro labor in the state; (4) against the non-segregation policies in Iowa schools; (5) for the exclusion of freed Negroes from Iowa; (6) for the repeal of the state constitutional provision requiring Negro education; (7) for the liberalizing of present prohibition laws; (8) for the revision of the expensive school system.<sup>38</sup> What is significant is that neither the *Eagle* nor the *Register* complained about any item on this platform, and, as has been noted, the majority in Sioux City and Woodbury County voted the Democratic ticket on October 11, 1859. This must remain a vexing problem to one who believes in the political liberalism of the frontier.

The Democratic platform reflects typical frontier demands — land grants for railroads, a homestead act, lower taxes — and the typical concept of Manifest Destiny. It is a foregone conclusion that our two newspaper editors will reflect an interest in the unlimited expansion of the United States. Pride, boastfulness, self-confidence, and independence of spirit can be read into the newspaper quotations given thus far. The patriotism was strong and rough-shod. "Our people are the most active and enterprising nation on the globe," wrote Ziebach, and elsewhere devoted a long editorial to urging a big navy to protect our expanding interests. Swiggett too displays an international interest on considering the admission of Oregon to the Union: "Further than this we do not propose to look at present, although we are aware that the eyes of Young America are looking eagerly toward Cuba, Nicaragua [*sic*] and even at Mexico. It will not be at all surprising if all of these swell the number of American states."<sup>39</sup>

<sup>38</sup> Herbert S. Fairall, *Manual of Iowa Politics* . . . (Iowa City, 1884), 51-4.

<sup>39</sup> *Sioux City Register*, Jan. 20, Feb. 24, 1859; *Sioux City Eagle*, Mar. 5, 1859.

In order to define the frontier spirit, consider Swiggett's editorial on "Democracy." To him democracy meant the rights of the people: "Not the rights of individuals; not the rights of the cast [*sic*], or class, or section, but the rights of all including each." What were these rights? "The full recognition of each one's claim, the unfettered development of each one's faculties, the unrestricted enjoyment of each one's rights." This can be translated as Jacksonian Democracy with its emphasis on individualism, equal opportunity to get ahead, and a laissez faire attitude concerning government. The history of the democracy Swiggett traces back to Jefferson, "the great founder and originator," but the Jacksonian caste is evident. Note that this is Swiggett and not Ziebach — whose paper, party, and principles were probably more representative of the time and place than Swiggett's. Ziebach is obviously more conservative — "In politics, our faith is DEMOCRACY — our Platform the CONSTITUTION" — and he believed in "correct and well tried political principles — adhering strictly to party usage."<sup>40</sup>

One last extended quotation sums up the complexity, the richness, the boastfulness, the humor, and the realism beyond the frontier. It is an editorial published by Seth Swiggett and not credited by him to anyone else. Whether he wrote it himself, or borrowed it from another paper, is not, however, as important as the fact that he published it with approval as an expression of pride in America, a pride which flourished on the frontier as strongly as anywhere else. Whatever the origin of the piece, it is equal to the best of Davy Crockett or Mark Twain. It is entitled "Our Country."

There is not the least shadow of doubt about the matter — ours is emphatically, undeniably, incontrovertably, positively, comparatively and superlatively, a great and glorious country. The annals of time furnish nothing to compare with it; Greece was'n't [*sic*] a circumstance; Rome was "no whar;" Venice could'n't [*sic*] hold us a candle; while all the modern nations sink into insignificance before our country. It has longer rivers and more of them, and muddier, and deeper, and they run faster, and go farther, and make more noise, and rise higher and fall lower, and do more damage than anybody else's rivers. It has more lakes, and they are bigger and clearer and deeper than those of any other nation. It has more cataracts, and they fall further, and faster, and harder, and roar louder and look grander than all other cataracts. It has

<sup>40</sup> *Sioux City Eagle*, Sept. 10, 17, 1859; *Sioux City Register*, Oct. 20, 1859.

more mountains and higher ones, and more of 'em, and they are harder to get up and easier to fall down than any other mountains. It has more gold, and it is heavier and brighter, and worth more than the gold of other countries. Our railroad cars are bigger, and run faster, and pitch off the track oftener, and kill more people than all other railroads. Our steamboats are longer, and carry bigger loads, and "bile their busters" oftener, and captains swear harder than in any other country. Our men are bigger, and longer, and higher, and thicker, and faster, and drink more whiskey, and chew more tobacco, and spit further, stick their heels higher, and do anything else more and better and oftener than men in all other countries combined. Our ladies are prettier, dress finer, spend more money, break more hearts, wear bigger hoops and shorter dresses, and kick up the deuce generally to a greater extent, than all other ladies. Our politicians can spout louder and lie harder, make gas faster, dodge quicker, turn oftener, make more noise, and do less work, than anybody else's politicians. . . . Our children squall louder, grow faster, and get too big for their trowsers [*sic*] quicker than all other children.

It is a great country! It is the cornerstone of nations; it is the top of the pile, the head man of the heap, the last button on the coat, the crowning jewel of the diadem, the capitol of the column, the last link in the chain, the observed of all observers. It will eat up the fat ones. When all other nations are numbered among the things that were, it will just be rejoicing in its strength. It will kick all other nations out of existence. It will lick them up as a cow licketh salt. It has now thirty-three States, and "more a comin'." It covers more territory than all other nations. And finally, it has louder thunder, faster lightning, bigger hail and colder ice, than can be found in any other part of the habitable globe. Hurrah for this pro—di—gi—ous constellation of free States! Hang a man that wouldn't praise his own.<sup>41</sup>

The mixture of pride and parody in Swiggett's editorial — whether original or not — indicates that a complex civilization existed beyond the Iowa "frontier" in 1859. Undoubtedly the conditions of life were crude, and violence was virtually unchecked. But there is every indication that socially, the frontier pretended to be civilized. This study indicates a greater conservatism socially and politically than the student of history has usually found. The point seems to be the complexity — that one should think twice before making generalizations about life on the "frontier."

<sup>41</sup> Sioux City *Eagle*, Aug. 27, 1859.



## DOCUMENT

### THE CALIFORNIA JOURNEY OF GEORGE D. MAGOON 1852-1854

*Edited by Mildred Throne\**

Recently Miss Edith Magoon presented to the State Historical Society of Iowa a box of papers, letters, and diaries of her two grandfathers, George D. Magoon and George W. Van Horn, both residents of Muscatine, Iowa. The diary of George D. Magoon, here reproduced, covers a journey by sea to California in 1852, his two years' residence there, and his return journey in 1854. Except for personal references to mail received and answered, the diary is here printed in full.

George D. Magoon was a native of Massachusetts. In 1840, at the age of fifteen, he came to Iowa with his parents, settling at Muscatine. In 1847 young Magoon took up the carpenter's trade which he followed all of his life, becoming one of Muscatine's leading builders and contractors.<sup>1</sup> In the spring of 1852 he and a group of men from Muscatine decided to try their luck in the gold fields of California. Instead of making the long overland trek west, the group went east to New York, took ship there for Nicaragua, crossed that country by river and lake boat, and took a sailing ship from the west coast for San Francisco. The experience, as detailed in the diary, gives a day-by-day account of the journey, of his life in California — both in the gold fields and in Sacramento — and of the return two years later via the Panama route.

The diary is of interest in that it illustrates so many different phases of life on a trip to California in the 1850's — the long journey; the trials and

\*Mildred Throne is associate editor of the State Historical Society of Iowa.

<sup>1</sup> Biographical sketches of George D. Magoon in *The History of Muscatine County, Iowa* . . . (Chicago, 1879), 610; and *Portrait and Biographical Album of Muscatine County, Iowa* . . . (Chicago, 1889), 412-14. Born on Feb. 11, 1825, Magoon lived in Ohio and Illinois for short periods before coming to Iowa in 1840. After his California journey he married Joanna Kincaid, daughter of Col. G. W. Kincaid and Louisa (Steinbergen) Kincaid. Magoon served as first lieutenant in Company H, 11th Iowa Infantry, during the Civil War. *Roster and Record of Iowa Soldiers* . . . (6 vols., Des Moines, 1908), 2:362. He died in Muscatine, Mar. 22, 1900.

disappointments in the gold fields; the possibilities of employment outside the search for gold; and the inevitable return home with little or no profit. The journey from the west coast of Nicaragua to San Francisco by sailing vessel is a story in itself. Magoon describes the many different parts of his two-year experience — the crowds waiting for a ship in San Juan del Sur; the miseries of a voyage under sail, with its accompanying brutalities; the “returned Californians,” who had given up the search; and the struggles to find even a little gold. His journey out took place in the fourth year of the “gold rush.” The first excitement and hysteria had given way to methodical searches for gold, with companies of men employing the newest mechanical devices in mining, rather than individuals striking out on their own. Magoon spent from July 18 to December 1 of 1852 in the gold fields, with two different companies of men but with little profit. From December 1, 1852, to January 13, 1854, he tried his luck as a builder in Sacramento, a town growing rapidly but almost destroyed in that year by disastrous floods. Here he found plenty of work at good wages, but he closed out his year with only a profit of some \$1,100. In contrast to the journey out, which had taken 166 days, his return to Iowa, by almost the same route, took but 32 days, a striking illustration of the rapid development of transportation during those two years.

The diary is published just as written, with no punctuation, with erratic capitalization, and with the unconventional spelling so typical of the time.

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Monday 9 day of Feb 1852 I started from Muscatine Iowa for California at 1 Oclo P M the day is verry pleasant and warm we arrived at Grandview and stopt for the night at Dr Kingers

Tuesday 10 we left Grandview at six Oclo this morning and took dinner at Mr Brogans 35 miles from Home after dinner we drove to Mr Wares Inn 45 miles from Home and stopt for the night the wether [sic] is stormy and cold to day

Wednesday 11 left Wares Inn at six Oclo this morning and got to Burlington at 12 Oclo and took dinner at the Barret House after dinner we drove to Mr Highters 11 miles below Burlington and stopt over night the weather has been verry cold and windy

Thursday 12th left Mr Highters at six Oclo pased ft Madison and took dinner at Montrose after dinner drove to Keokuk and put up for the night at the Laclede House cold and windy to day

Friday 13th after breakfast left Keokuk and when we got to the Des Moines river we had some trouble in crossing it was so high got to Churchville at 12 Oclo I crossed the river to Warsaw and seen some old acquaintances left Churchville and got to Mr Roses 12 miles from Tulley Mo and put up for the night here nine of us slept in one bed there is some splendid farms in this section of the country the weather has been verry pleasant to day

Saturday 14th left Mr Rose at 5 Oclo and arived at Tulley at 10 Oclo a few minits to[o] late for the Boat and had to stop here till 8 Oclo at night when the stern wheel Caleb Cope made her appearance at the landing we took pasage on her for St Louis the weather has been fine to day

Sunday 15th we arived at Quincy Ill at 9 Oclo this morning here Mr Holister an old acquaintance came on board left Quincy and at 12 pased Hanible at 3 Oclo pased Louisiana 150 miles above St Louis cold and windy to day

Monday 16th arived at St Louis this morning at 7 Oclo we took pasage on Steamer Mt Vernon for Cincinnati for 7 dollars and took a stroll over the city the weather has been warm and pleasant to day

Tuesday 17th to day Capt Battelle Thornton and O Phelps came down to see us on board of the boat we left St Louis at 4 Oclo pased Jefferson Baracks 12 miles from St Louis at sundown the weather warm

Wednesday 18th to day at 10 Oclo we pased the wreck of the steamers Oswego and Robert Fulton they lay within one hundred yards of each other the river at this place is full of snags at 11 Oclo we pased St Genvie [Ste. Genevieve] a little town on the Mosouri side arived at Cairo the mouth of the Ohio River at 4 Oclo verry windy to day and ocasionally some rain

Thursday 19th to day we passed several little towns of little note at 11 Oclo we stopt at cave in rock on the Ohio river for a short time which gave us an opportunity to look at the Cave the banks of the river here is rather a romantic place we passed Shawnee town at 4 Oclo raining part of the day

Friday 20th to day at 10 Oclo we pased Boonsborough a little town in Ky we stopt a short time at Cannelton a flourishing town in Indiana here there is a Cotton Factory that is 4-1/2 storyes high and about 200 girls to work Hawsville is opposite quite cold and rainy all day

Saturday 21st we pased a little town at the mouth of salt river called

west Pt about 20 miles below Louisvill[e] we arived at Albany at 1 Oclo portland is opposite 3 miles below the Canal here they was building one of the largest steamers that runs the western watters the Eclips at 2 Oclo we arived at the Canal had to lay by a short time to let a boat get out of the canal this gave us an opportunity to go and see Porter the Kentucky Giant he is 7 ft 9 inches high but he is a verry feble looking man we got through the canal to Louisville at 8 Oclo this evening where we had to lay up till morning on the account of the fog and rain

Sunday 22nd I seen Tom Johnson this morning Jeffersonvill[e] is opposite Louisville we left Louisville at 10 Oclo arived at Madison at six Oclo one hundred miles below Cincinnatti middling pleasant to day

Monday 23rd to day we pased Aurora 20 miles below Cincinnatti Lawrenceville is the next town it is situated on the Ohio river a little below the mouth of the Miami river at 8 Oclo we pased the residence of President Harrison his tomb is on a high knowl in view from the river a little below Cincinnatti is some splendid residences we arived there at 11 Oclo and put up at the railroad Hotell after dinner or at 2 Oclo we took the rail Road for Dayton and arived there at 6 Oclo distance 60 miles stopt at the Devorese House weather fine to day

Tuesday 24th in the morning I went to see Johnson an old acquaintance after that John and myself got a Cariage took two of his neices [sic] and started for Ant Polly Bakers six miles in the country we found the roads verry muddy she was verry glad to see her Democrat as she called me we stopt over night

Wednesday 25th in the morning we left Ant Pollys for Dayton stopt and took dinner at Lafevers Johns sisters after dinner we left Lafevers we took Miss Lafever to Dayton with us and all took tea at Johns sisters I was quite unwell and did not enjoy my visit verry much pleasant to day

Thursday 26th left Dayton for Xenia at 5 Oclo by stage we found the road almost impasible we arived there in time for the 10 Oclo train of cars and took a through ticket to Cleaveland we took dinner at Columbus where we stopt 20 minits we pased through several little towns and arived at Cleaveland at 9 Oclo and put up at the Dunham House weather fine

Friday 27th Cleaveland is a verry clean pretty place streets are verry wide we left this place at 10 Oclo for Dunkirk went 35 miles by the rail road and then the rest of the way which was 65 miles by stage there was but six of us in our stage and all jolly fellows and got along first rate we



paid our driver extra and he put us through 3 hours ahead of the other coaches arrived at Erie at 3 Oclo P M and put up at the Reed House

Saturday 28th took Breakfast and dinner at the Reed House then after took the cars for Dunkirk we arrived there at 5 Oclo here we had to change cars we took supper at a station at 9 Oclo rainy and cold all day

Sunday 29th last night about 12 miles from Elmyra at 12 Oclo we met with an accident broak through a high bridg[e] and smashed the Locomotive and baggage cars all up and left one of the pasenger cars suspended in the air only one lady hurt staid here till morning and one of the coldest nights I ever saw in the morning there was a train sent for us arrived at Elmira at 6 Oclo and put up at the Brainard House this is 280 miles from New York we have to stop here till one Oclo to night the weather cold but pleasant

Monday March 1st to day we traveled through some verry rough country along the Deleware river we arrived at Jersey City opposite to New York at 2 Oclo crossed the Hudson river in the Ferry boat and got in New York at 3 Oclo and stopt at the Merchants Hotell Courtland St we found the streets very slipery and icy I went to the Broadway Theater to night to see Forest [the actor, Edwin Forrest] perform the Peice [sic] of Richard the Third he is a fine noble looking man cold to day

Tuesday 2nd I took a walk about the city and finally got to Barnams Museum on Broadway and went in he has every thing here that you could mention then in the evening went to Broghams Theater to see Mrs Forest she is a fine looking woman and a good actress weather cold and pleasant

Wednesday 3rd to day I went to Castle Garden this must be a nice place in the summer season it stands out by it self so that there is always a breese you also have a fine view from it you can see of[f] from the Bay and see hundreds of boats of all discriptions playing around the steamships all have to pass here you can have a good view of the old fort Broklin Staten Island Jersey City and up each river after we left the Garden we went to Vanderbilts Steam ship Office and bought our tickets for California to go on the steamship Promethius Capt Churchill which was to leave for San Juan Del Nort on the 5th of March we then went up on Chatham and Wall streets the trinity Church is a most splendid building on Broadway the Stewart Block oposite the Astor House leaves the Astor in the shad[e] weather fine went to Theater

Thursday 4th took a walk around the city was at fountain Green and

several other places of attraction in the evening went to the Astor Palace Theater pleasant day

Friday 5th of March we bought our blankets and other articles necessary for our voyage and went on board the Steamer and left New York precisely at 3 Oclo P M it is quite a trying scene to witness to see men parting with their wives and friends about sundown we passed Sandy Hook I begin to get sea sick cold and blustry

Saturday 6th to day the sea is rough and a good many sea sick the weather is changible raining considerable saw a great many fish

Sunday 7th the sea is rougher than yesterday and passengers are very sick getting much warmer and rains considerable

Monday 8th the wind blows to quite a gale all sails taken down some are getting over their sickness

Tuesday 9th the sea has Calmed down and is quite pleasant and warm and are getting acquainted

Wednesday 10th to day at 12 Oclo we came in along the coast of Meruy guano [Mayaguana] Island east of Cuba 40 miles seen some flying fish to day this makes the fifth day out [of] sight of land the Climate is butiful here

Thursday 11th we have been sailing to day along the Isle of St Domingo we were in sight of the Isle of Cuba very pleasant weather

Friday 12th we have a fine sailing breeze and the climate is getting very warm we seen some Porposes to day

Saturday 13th a fair sailing breeze and pleasant for this climate rained some to day

Sunday 14th it is calm to day and very hot we have preaching to day by a Methodest preacher . . . got in sight of land at 4 Oclo and at 12 Oclo at night cast anchor in the mouth of the river Nicuraugua [sic]

Monday 15th the weather is hot and sultry and at 12 Oclo we went on shore to San Juan Del Nort<sup>2</sup> and put up at Merchants Hotell I seen

<sup>2</sup> San Juan del Norte, on the east coast of Nicaragua, at the mouth of the San Juan River, near the border of Nicaragua and Costa Rica. The river flows from Lake Nicaragua in western Nicaragua into the Caribbean at San Juan del Norte. Those going to California took river boats to the lake, then lake boats, and finally completed the journey to the west coast by mule. This Nicaraguan route, which was becoming more popular than the earlier Panama route, is described in Hubert Howe Bancroft, *California Inter Pocula* . . . (San Francisco, 1888), 198-202, and in his *History of California* (7 vols., San Francisco, 1890), 6:139-42.

some natives with a Turtle that was 3 ft over the natives are verry civil and well behaved there is some fine gardens of Orange lemmon pineapple and other tropical fruit growing here there is also some verry large snakes I seen one about 14 ft long and Lizards aligators without number

Tuesday 16th two of the river boats came down and took some of the pasengers verry hot and sultry

Wednesday 17th the weather is very hot in the day time but cool and nice in the evening we have to lay in the shade while the sun shines

Thursday 18th it is quite cool for this place the watter is verry warm and bad we cannot drink it without Ice which we get for 10 cts per pound we get better fare here than I expected

Friday 19th this is quite a business place there is a number of ships at anchor all the time we are preparing to go up the river buying our provisions for we have to board our selfs while going up

Saturday 20th I was fishing for crabs and caught a great many they are good boiled raines ocasionally

Sunday 21st raining to day one of the little steamers came down with a great many returning Californians but none that I knew

Monday 22nd the steam ship West Wind arived here with pasengers from New Orleans little steamer went up with pasengers

Tuesday 23rd this evening we had a serenade from the natives it was good

Wednesday 24th hot and sultry it rained hard I was weighed to day and had lost 10 pounds since I left Home more returned Californians

Thursday 25th raining again and more returned Californians they had a grisley Bear that weighed 1300 [pounds] the steam ship Prometheus left for N York to day at 12 Oclo

Friday 26th we left San Juan Del Nort at 10 Oclo on the steamer Sir Henry Boliver for Castilia rapids this river is verry shallow so that we are aground often and [see] plenty of the largest kind of Aligators we got up 20 miles and stopt over night then we could hear the Tigres and Monkeys making a fuss all night all along the banks of this river grows plenty of Coconut Mahogany and india rubber trees

Saturday 27th got up steam and at Sunrise we was on the move again we pased a field of plantain we got to the lower Cuyaagua rapids and got fast on the rocks laid there all night rained some

Sunday 28 we could not get the boat off till we all got of[f] in the

watter and lifted her over the rocks and got over the lower rapids 3 miles farther up we all had to get off and walk about a mile around the other rapids we all went on board again and arrived at Castilia rapids at two Oclo where we change boats here is the ruins of an ancient castle it is said to be 300 years old it stands on a high hill or knoll and has underground passages the walls are about 3 ft thick and put up with brick stone and cement it is evident that workman [sic] built it

Monday 29th left Castilia at 8 Oclo and at 10 the boat ran on the rocks and got fast laid all day and the weather so hot I could hardly breathe the current so strong we could not get ashore

Tuesday 30th still aground but [at] 8 Oclo got off and went on shore while the boat went up 2 miles to unload her freight women and children the boat returned in three hours for us went up and got the women and started up the river at 4 Oclo the capt said here was the place where he met the Lake Boat and would not go any farther but it was such a sickly place we prevailed on him to go on to San Carlos at the Lake he agreed to if we would take hold and load the boat took on 8 cords at Sundown started arrived at San Carlos at 11 Oclo at night

Wednesday 31 San Carlos is situated on Lake Nicaragua at the source of the river Nicaragua [sic. San Juan River] and is a very pleasant place we were pretty hungry and went on shore and got something to eat the natives make splendid Coffee and fruit is abundant of all kinds we went up to the fort to see the Gov we found him a Gentleman although we could not talk [talk] much to him for he is a Spaniard he treated us to fruit we went then back on the hill to a ruins of an old fortification you have a splendid view of the lake town and surrounding country the old cannon and balls are yet laying around in piles the cannon must be old ones for they are dated in 1600 there is abundance of Mahogany timber here this lake is a beautiful sheet of water 150 miles long and 60 wide from here you can see some very high mountains

Thursday Aprille 1st we went to the shore for our breakfast but we have to pay the natives in dimes and them without holes in them some of the senoretas are very neat about their dress which is only a skirt made of thin muslin and a scarf throwed over their shoulders

Friday 2nd the lake steamer arrived here this morning at 4 Oclo she brought the news of the loss of the steamship North America the one that we was to go on to San Francisco we went on board of her at 6 Oclo



and went down the river 30 miles for some trancient pasengers that was expected that day we kicked against it verry hard but we had been waiting so long we finaly held an indignation meeting the result was that we would take posesion of the boat ourselfs as we were all getting sick here the capt finally agreed to be back by 4 Oclo so it was aranged and the boat started for the pasengers got them and we got back at 9 Oclo to the Lake this is a butiful moon light night and had dancing there was two fidlers and several ladies on board the lake is perfectly calm

Saturday 3rd this morning at 6 Oclo we arived at Virgin Bay this is not much of a place only a few canvass houses we got ashore at 11 Oclo procured our mules and started for San Juan Del Sur<sup>3</sup> at 12 distance 12 miles through a pleasant part of the country we got through at 4 Oclo traveling though the hot sun was to[o] much for me and I was taken sick

Sunday 4th this is one of the most god forsaken towns in the world this is the regular day for gambling cock fighting and drunkenness and every vices that man can do and what surprised me the most was to see the same preacher that preached to us on the steamer a few weeks before tending the bar at one of the gambling houses

Monday 4th [sic, 5th] I am quite sick today and getting worse there is a great many sick with the fever jigers are verry troublesome make our feet sore

Tuesday 6th we have a fine breese this morning the Brig Triumph left with pasengers for San Francisco this morning and the Alleghanian arived here bound for California to day I am takeing some Homopathist medicines and am no better

Wednesday 7th not as well to day I can not eat anything it is such stuff that a well man can not hardly eat we pay two dollars per day for board at that

Thursday 8th I am a little better and took a bath in the sea which is so refreshing and cool John went to work to day at 50 cts per hour

Friday 9th we are getting verry impatient to get out of this cursed hole I got a relapse and am verry sick again

Saturday 10th I am not so well to day there is a corpse laying in an old tent that has laid for 4 days the natives finaly buried him

Sunday 11th there is a great many people ariving here dayly bound

<sup>3</sup> San Juan del Sur, port on the southwest coast of Nicaragua, from whence California-bound passengers boarded ships for San Francisco.

for the land of God but it is so sickly here and chances of getting away so discouraging that a good many go back

Monday 12th the prospects begin to look discouraging of getting away at 5 Oclo there was a steamer hove in sight but how disappointed when she passed our port

Tuesday 13th I am getting better again there is some robbery committed here nightly there is a set of desperadoes here at 12 Oclo our hearts were gladened at arival of the steam ship Monumental City the one that the Agents told us would be after us but we were doomed to disappointment for when the Capt came on shore he said he would not take but four hundred and they should come on by the number of their ticket as we bought our tickets last we were left but the Agents told us that the Pacific was expected hourly and there was no doubt but we would all get off on her she arived this after-noon but we were disappointed again for the capt declared he would not take only his regular pasengers

Wednesday 14th there is about one thousand pasengers in this place now we buried a brother odd Fellow to day by the rights and ceremonies of the Order

Thursday 15th Vandiburg and others left for New York some of our fellow pasengers [also] but we go ahead if possible

Friday 16th more pasengers arived to day provisions are getting scarce here and prospects looks more gloomy

Saturday 17th the Americans and natives have a fuss to day but we are two [sic] strong for them another Brig arived to day

Sunday 18th Rained verry hard last night the first we have had since I have been here another pasenger died last night

Monday 19th another man died to day and a good many sick

Tuesday 20 we almost dispair of getting away from here for if we stay here much longer we shall die

Wednesday 21st another death last night and it rained hard another sailer<sup>4</sup> arived to day

Thursday 22nd a good many leave to day on sailers and I expect that will be our fate

Friday 23rd more of our pasengers left for home to day and there is

<sup>4</sup> Magoon thus distinguished sailing vessels ("sailers") from the more modern steamships.

about two hundred of us North American pasengers here yet and the worst of it is we are like to stay here

Saturday 24th I took a job of work to day we have to go to work or starve and it is so sultry and hot that it is almost death to a man from the states two more men died to day

Sunday 25th there is a Brig leaves to day for San Francisco with one hundred pasengers

Monday 26th another Brig arived and all the Northern Lights pasengers from New York

Tuesday 27th A Spanish Brig ran ashore to day the mate and crew of another went to help them the mates got in a quarrel one killed the other the one killed was an American raised quite an excitement the murderer has given up in to the athoritys hands

Wednesday 28th it rained hard all night and I feel verry cross for I got wet through we have had to sleep out in the open air since we left New York we are getting used to hardship

Thursday 29 we begin to talk of going on a Brig that lays here but I cannot bear the Idea of it

Friday 30th to day we took a protest from the U S Consul with the expectation of gaining some damages for our detention

Saturday May 1st this is not the most pleasant may day to me because we are even deprived of the comforts of life . . .

Monday 3rd I went to work on the Barque Salem to day fiting her up for pasengers at five dollars per day

Tuesday 4th at work on the Barque the steamer Independance arived to day with 150 pasengers

Wednesday 5th we tried to get a pasage on the Independance without success and I went to work

Thursday 6th at work to day but I am low spirited but I think there is a better day comeing

Friday 7th we received our wages to day for work done on Barque John and Ewer are at work on Brig Dow

Saturday 8 we found that we would have to take a sailer so we engaged a pasage on the Brig C I Dow for San Francisco and left San Juan Del Sur at 10 Oclo with 115 souls on bourd we took a due west course with a fair breese

Sunday 9th last night had baffleing winds but fair to day a large

Shark following us and I expect he calculates to pick some of us up but I hope not our Latitude to day  $12^{\circ} 11'$  Long  $87^{\circ} 26'$

Monday 10th we have been lying in a perfect calm and almost suffocating with heat and our fare is horrible we caught a Dolphin to day and seen a verry large school of Porposes our Lat  $12^{\circ} 24'$  Long  $88^{\circ} 48'$

Tuesday 11th perfectly calm not a bit of air stiring Lat  $12^{\circ} 37'$  Long  $89^{\circ} 24'$

Wednesday 12th last night we had for four hours a good breese but calm to day alowanced on Watter to day and some sickness on board

Thursday 13th sailing with a light breese west by south seen a curious fish called the Devil fish Lat  $12^{\circ} 57'$  Long  $91^{\circ} 44'$

Friday 14th sailing west by south with a 3 knot breese shot a black fish 14 ft long Lat  $13^{\circ} 17'$  Long  $93^{\circ} 6'$

Saturday 15th sailing west by north with a light breese Lat  $13^{\circ} 17'$  Long  $93^{\circ} 43'$

Sunday 16th perfectly calm to day saw a large Whale Lat  $13^{\circ} 44'$  Long  $94^{\circ} 40'$

Monday 17th this morning head wind after-noon good breese Lat  $13^{\circ} 50'$  Long  $95^{\circ} 24'$

Tuesday 18th sailing due west with a fair breese a Steamer pased us at our Starboard bow Lat  $14^{\circ} 27'$  Long  $94^{\circ} 50'$

Wednesday 19 Sailing with a good breese Lat  $15^{\circ}$  Long  $95^{\circ} 50'$

Thursday 20th Calm part of the day head wind the rest Lat  $14^{\circ} 53'$  Long  $96^{\circ} 20'$

Friday 21st a fair breese to day a sail in sight Lat  $15^{\circ} 12'$  Long  $96^{\circ} 53'$

Saturday 22nd dead Calm and sun burning hot Lat  $15^{\circ} 23'$  Long  $97^{\circ} 28'$

Sunday 23rd had a hard squall this morning land in sight about 150 miles below Acapulco Mexico where we have to put in for watter Lat  $15^{\circ} 45'$  Long  $97^{\circ} 44'$

Monday 24th we are following up the coast the cost [sic] here is verry Mountainous calm to day and hot Lat  $16^{\circ} 13'$  Long  $98^{\circ} 30'$

Tuesday 25th we [had] a land breese at night and with it a squall sail in sight verry hot Lat  $16^{\circ} 19'$  Long  $99^{\circ}$

Wednesday 26th this morning the sea is alive with fish of all kinds we arived at Acapulco at 10 Oclo this town is situated on one of the best



harbours in the world the entrance to the harbour is between two Mountain and after going about two miles you find yourself at the city on one of the pretiest bays about 3 miles long 2 wide Lat  $16^{\circ} 55'$  Long  $99^{\circ} 44'$

Thursday 27th I went on shore to day and to my surprise I found Metz Kingsbury who had got there and could not get away there is a great many Americans at this place in a suffering condition cannot get away and out of money the population of this place is about 5,000 all the best buildings are shook down by the Earthquake there is also a verry strong fortification at entrance to the town

Friday 28th at 10 Oclo to day we hoisted anchor and left Acapulco the steamship Pacific arived as we left crowded with pasengers for the States

Saturday 29th we left Acapulco with a strong breese which increased to a gale which lasted 36 hours I did not think we would see day light again Lat  $15^{\circ} 30'$  Long  $101^{\circ} 15'$

Sunday 30th I have always herd that after a storm there was a calm shure enough to day is perfectly calm and we are rolling dredfully Lat  $14^{\circ} 31'$  Long  $101^{\circ} 26'$

Monday 31st a fair sailing breese and on our course Lat  $14^{\circ} 47'$  Long  $102^{\circ} 46'$

Tuesday June 1st a fair sailing breese and was alowanced on 3 quarts of watter this to do our cooking and drinking with Lat  $14^{\circ} 14'$  Long  $102^{\circ} 56'$

Wednesday 2nd the weather is verry squally I painted a sign for the Capt I got five dollars for it Lat  $14^{\circ} 25'$  Long  $102^{\circ} 56'$

Thursday 3rd weather changible and warm to day considerable sickness Lat  $14^{\circ} 22'$  Long  $103^{\circ} 55'$

Friday 4th Sailing north with a strong breese Lat  $14^{\circ} 29'$  Long  $105^{\circ}$

Saturday 5th sailing south west by west with a strong breese our night course is north Lat  $13^{\circ} 45'$  Long  $105^{\circ} 46'$

Sunday 6th Sailing west by north with a light breese Lat  $13^{\circ} 11'$  Long  $106^{\circ} 40'$

Monday 7th sailing west I begin to know what it is to want for water we are 400 miles from land Lat  $12^{\circ} 50'$  Long  $108^{\circ} 37'$

Tuesday 8th sailing west with a strong breese Lat  $12^{\circ} 15'$  Long  $109^{\circ} 50'$

Wednesday 9th sailing west with a light breese many sick with fever to day Lat  $12^{\circ} 15'$  Long  $111^{\circ} 14'$

Thursday 10th sailing north west card playing is our only amusement  
Lat  $12^{\circ} 28'$  Long  $112^{\circ} 50'$

Friday 11th sailing north west Latitude  $13^{\circ} 15'$  Longitude  $114^{\circ} 5'$

Saturday 12th Sailing west by north Latitude  $13^{\circ} 45'$  Longitude  
 $115^{\circ} 29'$

Sunday 13th Sailing west nor west with a light breese the weather is  
some what cooler to day Latitude  $14^{\circ} 5'$  Longitude  $116^{\circ} 58'$

Monday 14th sailing north west by west with a good breese more  
getting sick every day Latitude  $14^{\circ} 57'$  Longitude  $118^{\circ} 5'$

Tuesday 15th Sailing nor west by west Latitude  $15^{\circ} 54'$  Longitude  
 $119^{\circ} 5'$

Wednesday 16th Sailing west nor west we have two cases of scurvy  
on board Latitude  $16^{\circ} 17'$  Longitude  $119^{\circ} 40'$

Thursday 17th Sailing north west last night a man fell over board  
and was lost he had been sick for some time and was so weak that he  
could not hold on to a rope that the mate threw to him they made no other  
exertion to save him and left him to drown it was heart rending to hear  
him call for help and no one offer to save him the mate a perfect brute  
observed that there would be another allowance of soft tack Latitude  $16^{\circ}$   
 $25'$  Longitude  $121^{\circ} 20'$

Friday 18th Sailing north west by north Latitude  $18^{\circ} 29'$  Longitude  
 $122^{\circ} 40'$

Saturday 19th Sailing north west by north with a good breese but we  
are getting verry [short] of grub and watter and a thousand miles from San  
Francisco Lat  $19^{\circ} 53'$  Long  $123^{\circ} 14'$

Sunday 20th Sailing north west we are on allowance of bread our  
wood is gone and have to burn emty watter casks Lat  $21^{\circ} 39'$  Long  
 $124^{\circ} 9'$

Monday 21st Sailing north west by north with a light breese we amus-  
ed ourselves by catching boobys with a hook and line they are a large sea  
Bird the sailors made soup of them it was sport for us but death to them  
we crossed the tropical line [Tropic of Cancer] to day Lat  $22^{\circ} 43'$  Long  
 $125^{\circ} 14'$

Tuesday 22nd sailing north west by north with a light breese it is  
getting quite cool in the evening Latitude  $23^{\circ} 30'$  Longitude  $126^{\circ} 45'$

Wednesday 23rd sailing north west we have to run in the winds face  
as the sailors term it when we run close to the wind we herd from the

mast head the cry of sail Ho where aways off the Lea bow it proved to be a British Barque Latitude  $24^{\circ} 33'$  Longitude  $128^{\circ} 11'$

Thursday 24th Sailing north west by west head wind our provision is getting verry scarce and in concequence we were brought to a smaller allowance which was already verry short Lat  $25^{\circ} 58'$  Long  $129^{\circ} 9'$

Friday 25th sailing north west by north head wind I have had a touch of the ship fever for four days many of the pasengers have it Lat  $27^{\circ} 33'$  Long  $130^{\circ} 9'$

Saturday 26 Sailing north west head winds and strong so that they had to clue up the galant sail and single reefe the fore top and main sails there is a Brig standing for us off our weather bow at 2 Oclo tacked ship and run east north east that making 28 days on that tack Lat  $29^{\circ} 6'$  Long  $130^{\circ} 58'$

Sunday 27th to day the weather is squalley cold and misty Lat  $30^{\circ} 27'$  Long  $132^{\circ} 19'$

Monday 28th to day the winds are bafleing for a part of the day when it came of[f] calm a hard squall comeing it is verry discouraging to be bafled about this way and so short of grub Lat  $31^{\circ} 12'$  Long  $133^{\circ} 35'$

Tuesday 29 bafleing winds again to day it seems that providence is against us the capt says if there is not a change in the wind in three days we shall steer for the Sanwich Island [Hawaii] Lat  $31^{\circ} 10'$  Long  $133^{\circ}$

Wednesday 30th bafleing winds yet and a long set of faces to day Lat  $31^{\circ} 44'$  Long  $134^{\circ} 42'$

Thursday July 1st perfectly calm and cloudy we are on a still smaller allowance of every thing Capt could not get an observation so cloudy

Friday 2nd Sailing north by west with a light breese San Francisco lies North East from us 690 miles Lat  $32^{\circ} 52'$  Long  $134^{\circ} 12'$

Saturday 3rd head winds had a general row to day about our little grub getting desperate times Lat  $33^{\circ} 45'$  Long  $134^{\circ} 28'$

Sunday July 4th perfectly calm and would be a butiful day if in any other place but this but I do not admire a 4 of July at sea urley in the morning we hoisted the stars and stripes to the mast head and when the Dutch Capt came on deck he hauled it down but we taught him how to hoist it up again in a hurry he was wrothy but no use we are all very low spirited for we have serious thoughts of never getting to land for we have but 10 day watter and provision now and so far from land Lat  $34^{\circ} 42'$  Long  $134^{\circ} 43'$

Monday 5th last night we had a little rain accompanied with a squall I caught 3 bottles of watter which I prised highly for that was 3 days watter Lat  $35^{\circ} 22'$  Long  $134^{\circ} 22'$

Tuesday 6th Sailing east north east with a hard breese San Francisco lies north east by north from us the sea is verry rough there was a Clipper ship pased us under full sail while we were bobing about with our sailes partly clued up the weather is verry cold and I have been unwell for a few days Latitude  $35^{\circ} 15'$  Longitude  $132^{\circ} 24'$

Wednesday 7th Sailing east north east with a breese that has increased almost to a gale the [sea] is verry rough and looks angry we are 400 miles from San Francisco Latitude  $35^{\circ} 9'$  Long  $130^{\circ} 18'$

Thursday 8th Sailing east north east with a stiff breese and the sea is verry high the breakers often roll clear over her weather cold and cloudy Lat  $35^{\circ}$  Long  $128^{\circ} 13'$

Friday 9th it is perfectly calm and the vesel rolls about on the dead swell so that we have to keep our cabins the sky is over cast and misty a large shark playing around us Lat  $34^{\circ} 56'$  Long  $126^{\circ} 34'$

Saturday 10th calm yet and the sea rolls tremendous so foggy and cloudy he [the captain] could not get an observation

Saturday [sic. Sunday] 11th we have a fine breese we pased something of [f] to leaward that looked like a wreck with three men on it but the skipper would not run down to it no observation to day by dead reckonen Lat  $35^{\circ} 56'$  Long  $124^{\circ} 50'$

Sunday [Monday] 12th Sailing north east by north with a fair breese the sea is full of whale and some seals at 3 Oclo we herd the cry of land Ho we rushed on deck and when we saw it I never herd such a shout of Joy in my life we run in close to land and found that we were 37 miles below San Francisco pased a Barque loaded with pasengers it is very cloudy and cold that we have to wear our over coats by dead reckonen Lat  $37^{\circ} 8'$

Tuesday 13th we had a awful stormy night last night but to day it has camed [sic] down some got back to land at 11 Oclo and tacked out to sea again it is so foggy that cannot find the harbour the capt says we are within 10 miles of the entrance but he can not tell where lots of whale to day and our grub is almost gone

Wednesday 14 last night was the most stormy night that we have experienced nearly capsised several times it cleared up pleasant and we



found that we were 3 miles below Cape Blanco or White Cape 13 miles below San Francisco have to beat up against the wind and at 5 Oclo we cast anchor in the bay of San Francisco making 68 day out to sea

Thursday 15th San Francisco lies two miles from the entrance of the bay I beleive [sic] this was the hapiest day of my life to get my feet on tery firmy once more take it all together we had a narrow escape of our lives but it is all over now I went ashore and put up at Jones Hotell

Friday 16th today I found my old friend Mendenhall who had just got in with his wife after a voyage of 124 days around the Horn I saw Judg[e] Hastings he wanted me to stop there but I was for the mines so at 5 Oclo took pasage on the steamer New World for Sacramento City

Saturday 17th we arived at Sacramento at two Oclo this morning this city is situated on the Sacramento River at the mouth of the American River and is a flourishing City at 7 Oclo we took pasage on steamer Gov Dany for Marysville at 12 Oclo we left the Sacramento River and took the Feather river this river is low and hard to navigate Marysville is situated on the Yuba Riber about a mile from its mouth we got to the mouth at 2 Oclo and arrived at Marysville at three . . .

Sunday 18 we started for Fosters Bar in a waggon and rode 15 miles and then took it on foot 10 miles and stopt at a ranche the Oregon House over night with sore feet and awfully fatigued

Monday 19th left the Oregon House at six Oclo with our packs on our backs we are in the Mountains now and find it verry hard walking we can see plenty snow covered Mountains we arived at foster Bar at 3 Oclo this is a little town on the Yuba river 40 miles from Marysville it was a great curiosity to see the miners washing gold with the rocker and Long Tom<sup>5</sup>

Tuesday 20th we are so near used up we have to lay by a day or two Parse is sick

Wednesday 21st Parse and Hart Washburn started for Downieville this morning and John and myself went to work at a floom [flume]<sup>6</sup> at 7 dollars per day . . .

<sup>5</sup> The rocker, or cradle, and the long tom were types of gold-washing machines. For description of the rocker, see E. Gould Buffum, *Six Months in the Gold Mines* . . . (Philadelphia, 1850), 50-51; for the long tom, see Bancroft, *History of California*, 6:410-11.

<sup>6</sup> The flume was a channel for conveying water to the mining site. Bancroft, *History of California*, 6:413-14.

Thursday 22nd it is verry hard to go to work after being idle so long my hands are nicely blistered up

Friday 23rd at work to day

Saturday 24th at work at night received my pay

Sunday 25th John Martin Doct Nelson and myself started for Downieville at 8 Oclo this morning on mules went over some verry high mountains and dangerous places where if the mule should of sliped we would go down over rocks hundreds of feet we arived at Downieville at sun down and found several old acquaintances there

Monday 26th to day begins the mining operations the two Washburns John Martin Doct Nelson and myself we brought some provision and tools and started up the south fork of the Yuba river about 2 miles above Downieville to some claims that Washburn had taken up for us we pitched our tent mad[e] a windless [sic] and commenced sinking a shaft<sup>7</sup> . . .

Tuesday 27 we got down 16 ft to day with our shaft we have to raise some large boulders we washed some dirt from the Bar and got \$2

Wednesday 28th we are down now about 20 ft and a great deal of watter

Thursday 29th down 26 ft and got to blue cement only 3 of us could work at the shaft so that Doct hired out to work John took 1/3 of a claim with Healeys joyning us

Friday 30th we only dug 2 ft the watter and rocks are so bad

Saturday 31st only 2 ft to day cement so hard that almost imposible to dig it up

Sunday August 1st . . . went to town for grub and have to pack it on our backs

Monday 2nd to day we struck a ledg[e] of rocks that takes up half of the shaft we think that the bed rock [is] close by we raised the colour to day I am sick to day and took som[e] Medicine we got the dams in the shaft and had to fix a furnace to drive in hot air

Tuesday 3rd got the dams out by puting a hose down the shaft and connected with the furnace we got the colour about 25 cts

Wednesday 4 to day Doct and myself went up the river to work for

<sup>7</sup> In addition to placer, or surface, mining for gold, quartz mining — sinking shafts to a vein or lode of gold — soon came into wide use in California. This type of mining was more expensive and required more capital, thus companies were usually formed by a number of men who pooled their resources. *Ibid.*, 6:414-17.

the Pittsburg flooming Company at one hundred dollars per Month and found the miners life is a hard one

Thursday 5th Friday 6th and Saturday 7th worked till night and then walked town to the place where the boys are Parse and Hart took out of the bar 7 dollars to day

Sunday 8th the boys all went to town and left me on duty . . . Parse got two Muscatine papers we read them advertisements and all several times

Monday 9th the Doc and myself went back to work this company takes out 4 or 5 hundred dollars per day

Tuesday 10th at work as usual

Wednesday 11th we had to quit work we could not stand it used up entirely and went home if we might be allowed to call such home Parse [and] Hart took out yesterday and to day \$16

Thursday 12th John has got down with his shaft 39 feet the watter comes in our shaft so fast we had to abandon it and are prepareing to run a Tunnel from the [word omitted] to it so at to drean [drain] it 4 of us took out of the Bar \$17

Friday 13th this forenoon we got about 8 dollars then Parse and myself went to town for grub

Saturday 14th to day we commenced our Tunnell we have to work under a great disadvantage on not being able to get the proper tools

Sunday 15th the boys went to town I . . . done my washing an every sunday job they had great doing in Honor of Henry Clay and all the Principle Houses hung in mourning

Monday 16th John and Healey went off prospecting and we went at our tunnel we have some large rock to blast and had to buy a set of drills it takes a pile of money to get tools if it was not for eating and tools we could make money here

Tuesday 17th we got out the big rock and got to the bed rock and got \$1

Wednesday 18th we have to dig down the bed rock about 3 ft so as to make the tunnel levil get along slow we have to carry out the dirt and rocks on a hand barrer we can not afford a wheel barrow we got \$1

Thursday 19th still diging down the bed rock we take the dirt that lays next the bed rock and carry it to the river and run it through a rocker got \$1

Friday 20th to day we struck a vein of rotten quarts [sic] and [it] pitches back in the hill which is more favourable we got \$2

Saturday 21st this fore noon we got about \$10, and went to town for grub and Medicines for Parse and myself neither of us have had our health since we left San Juan Del Sur . . .

Monday 23rd we drifted about four ft in the Tunnel and got about \$10, one lump that was worth five dollars . . .

Tuesday 24th there is four of us to work at our drift and we took out \$17 to day

Wednesday 25th we got \$22.25

Thursday 26th I am sick yet not got broke in yet to a miners way of living we sleep on the ground under a tent eat with an old log for a table and no plates or nife or forks all eat out of one dish we got \$16 in dust

Friday 27th I am making a Wheel barrow as we cannot get along with out any longer \$15 to day

Saturday 28th took out \$6, and Doct and myself went to town . . .

Sunday 29th we all went to town to day . . .

Monday 30th to day cleaned up our drift and fixed to run the Wheel-barrow

Tuesday 31st got \$10 to day

Wednesday Sept 1st we came to some large boulders that caused us trouble but miners have trouble after trouble and trouble with out end we got \$5

Thursday 2nd we got five and half dollars to day

Friday 3rd to day we found a pine ball or bud some 80 feet from the bank it is evidant that the river once run here we got \$5 to day

Saturday 4th our drift is getting soft and we begin to timber up to day a stream of water comes in from the top as big as my arm

Sunday 5th the boys went to town . . .

Monday 6th we come to the conclusion that we could not live like we have been living any longer and commenced cutting logs for a cabin we cut a noble old pine for claboards that was over two hundred feet high

Tuesday 7th we hired a yoke of oxen to day to haul our logs at 7 dollars per day had a hard frost last night

Wednesday 8th I am riving Claboards to day Parse went to work for Rodes



Thursday 9th finished hauling our logs and comenced laying them up Parse to work for Rodes

Friday 10th got our logs laid up Parse to work for Rodes

Saturday 11th to day got the roof on our cabbin Doct worked for Rodes

Sunday 12th to day Doct and I went up on the Mountains for poles to make our births [sic] with we stretch canvass over the poles for bed John has been to work the last week for floom com

Monday 13th Doc and myself went to work at the tunnel Parse comenced a shaft Hart to work for Rodes

Tuesday 14th we have to timber up all of the tunnel as fast as we dig it out it is getting dangerous to work it caves in on us by waggon loads we got \$8

Wednesday 15th drift continues soft Parse and Doct goes to town for blankets we took out \$4

Thursday 16th we are following up a butiful crevice in the bed rock one foot wide and 3 deep the verry place to look for gold but we dont git him \$3 to day

Friday 17th to day we struck a place that was so soft that we could hardly get in the timber kept dropping from the top till it was ten feet high

Saturday 18th we cleaned up the bed rock to day and got the enormous sum of one dollar and half the weather is butiful as well as the climate but still some thing does not agree with me for I do not get my health

Sunday 19th I went to town and bought some plates nives and forks I thought as we now lived in a house we must do as people do that lives in houses . . .

Monday 20th I made a door table and some stools

Tuesday 21st I worked on Cabbin

Wednesday 22nd I compleated our Cabbin to day and we are going to have a house warming to night Doc went to town and got two kinds of liquor we had amongst our guests a live yankee from Main[e] we all mad[e] it up to get him drunk but I am ashamed to say that we finally succeeded but not till we all had a little to[o] much

Thursday 23 to day Doc Hart and myself went to work at Tunnel and got in 6 ft and timbered it up ready to clean up to morrow Parse Rodes and Hardy comenced a wing dam to day

Friday 24th Doct and myself worked the drift but it caved so we did not clean up the bed rock

Saturday 25th we helped Parse on wing dam to day

Sunday 26th I made a Coffin to day for a man across the plains . . .

Monday 27th at work at wing dam

Tuesday 28 worked at wing dam till noon and then Doc and I cleaned up Tunnel and got \$9

Wednesday 29th making clabboards for Hardy quite sick again this eve

Thursday 30th John quit working at the Pittsburg Co and went to work on Durgan Flat opposite to Downieville Doct and myself worked at drift after dinner

Friday Oct 1st Doc and I still work the drift and have to timber every foot getting more dangerous the watter comes in so fast I am some homesick being unwell and making nothing since we have been here and Winter comeing on and no clothing nor hardly enough to eat

Saturday 2nd last night we had a hard rain and cloudy and Cold I did not work to day being to[o] unwell and I took a big dose of Calomel

Sunday 3rd I went to town I sold out my interest in the Muscatine Drift Co to the Co for \$200 the reasons for doing so I shall not state here I then went and jumped some Claims in company with Geo Metz two Healeys and Garretson so John went to work at their tunnel

Monday 4 Oct to day we comenced our new claim which was a shaft 80 ft deep Geo Metz Healey Garretson went below Chet Healy and myself stopt on top and tended to the windless this Claim is on Durgan Flat we got \$2

Tuesday 5th last Sunday I took a soar throat and is verry bad to day

Wednesday 6th I saw five Women to day comeing down the Mountains with each a pack on her back and besides two had a baby in her arms they had one cow loaded down with their grub and beds they were just across the plains now who would not come to California we only got 25 cts to day

Thursday 7th we got about \$4 to day

Friday 8th we got about \$4 to day

Saturday 9 . . . we got \$13 to day . . .

Monday 11th we took out of the shaft \$15

Tuesday 12th took out of shaft to day \$16

Wednesday 13th took out of shaft to day \$19

Thursday 14th we made wages to day for the first time since I have been mining took out \$28 one peice [sic] weight \$10 which I kept

Friday 15th we done well to day and begin to look up we made \$67

Saturday 16th made \$48 to day we had a dividend to night of \$34 for this week and left \$23 in the hands of the treasurer . . .

Monday 18th we begin to be better in spirits for we got \$64 to day

Tuesday 19 the Alleghanians arived here to day and give a concert tomorrow eve we got \$40 to day

Wednesday 20th took out \$38 to day

Thursday 21st took out of shaft to day \$43, this evening I went to a Democrat meeting and herd Whigery tore all to smash

Friday 22nd we took out of shaft to day \$152

Saturday 23rd . . . we made \$7

Sunday 24th we had all the Muscatine boys to us to day

Monday 25th we are bothered by the watter to day made nothing

Tuesday 26th started a new drift in our shaft we do not expect to make anything for a week or two

Wednesday 27th I saw a mule fall down the side of the Mountain and killed him Cloudy and cold

Thursday 28th It commenced to rain last night and raines all day we did not work . . .

Friday 29th it clared up and is quite pleasant we made a shed over our shaft

Saturday 30th made nothing this week

Monday Nov 1st at work at shaft made nothing

Tuesday 2 conciderable excitement at election I put in a clean Democrat ticket

Wednesday 3 verry blustery and cold and occassionly some rain and snow

Thursday 4th at work at Shaft

Friday 5th we made to day \$8

Saturday 6th . . . we made \$48 this evening I visited the Mountain Shade Lodge of Masons

Sunday 7 Muscatine boys here again

Monday 8th took out of shaft \$60 to day

Tuesday 9 raining hard all day we took out of shaft \$34

Wednesday 10th Cleared up and pleasant we took out of shaft \$55 to day

Thursday 11th rained all day and cold we took out of shaft \$53 to day

Friday 12th took out of shaft \$11 still raining

Saturday 13th took out of shaft \$42 still raining . . .

Monday 15th took out of shaft \$18 still raining

Tuesday 16th took out of shaft \$3 raining

Wednesday 17th took out of shaft \$35 pleasant to day

Thursday 18th took out of shaft \$8 storming and some [of] the biggest snow flakes I ever saw

Friday 19th took out of shaft \$56 clear and warm which mad[e] the snow leave soon

Saturday 20th took out of shaft to day \$272 . . .

Sunday 21st snowing hard provisions is verry scarce and so much snow on the mountains the train can not get here at present

Monday 22nd we took our of shaft to day \$96 warm and pleasant great many left [for the] south to day

Tuesday 23rd took out of shaft \$2 snowed again to day

Wednesday 24th took out of shaft \$51 pleasant and cold it frose hard last night

Thursday 25th took out \$13 pleasant

Friday 26th took out \$27 to day

Saturday 27th took out \$2 raining

Sunday 28th I sold my Claim on Durgan flat to Muscatine Drift Co for one hundred dollars I stayed up there with them to night raining all day and still raining

Monday 29th John comes down to work the claim raining yet

Tuesday 30 I started for Sacramento City on a mule took dinner at Negro Tent stopt over night at Foster Bar rained and snowed all day

Wednesday Dec 1st left Fosters Bar and arived at Marysville after dark as wet as a drouned rat and almost frose

Thursday 2nd left Marysville on a steamer and arived at Sacramento in the evening<sup>8</sup> rained all day I started out to find Martin house after wade-

<sup>8</sup> For founding and rapid growth of Sacramento, see *ibid.*, 6:447-63. The town was laid out in 1848 by John A. Sutter, son of the Sutter on whose lands gold had first been discovered. For description of Sacramento in 1849, see Bayard Taylor, *Eldorado, or, Adventures in the Path of Empire* . . . (New York, 1855), *passim*.



ing in mud knee deep through several streets and found him on the corner of 0 and 9 Street

Friday 3rd almost imposible to get about

Saturday 4th looking around to see the Fashions . . .

Monday 6 I went to work on K st for Mr Miner at \$8 per day and worked till Thursday noon got the job done received my cash

[here the diary skips several days]

Friday 10th I found another Job on 8 St to day of Mr Pope and went to work after dinner at \$8 per day

Saturday 11th worked to day received my money we do not work for store pay here . . .

Monday 13th I went to work and worked all the week except Friday fore noon

Sunday 19th bids fair for a pleasant day but about 9 Oclo the bells all over the city commenced ringing and soon you could see men women and Children running here and there we enquired what the matter was and was told the levy on the bank of the American river had broken and the city was being flooded<sup>9</sup> but the watter soon got to our House it came verry rapid we sprung to work putting the things in the garet and mad[e] a frame on top of the bed posts and piled that full by the time we got the things put away the watter was around the House we took the Family down in the city but could not get any place to put them then we had to get a team and take them to the grave yard the only high ground near by where hundreds had all ready got there and all the cattle hogs and horses about the city were brought there we took the carpet and made a tent for Mary and Children and would of have done first rate had it not rained but we did not stay long on thursday evening the watter fell so that we went back to our house but the watter was in the back part of the house and over a foot deep all around it the watter had been 3 feet deep in the house

Wednesday 22nd the watter is yet 8 inches deep in back part of house the weather is pleasant and warm Tom waded to town for we had no boat

<sup>9</sup> Sacramento's first flood had come in the winter of 1849-1850, after which \$250,000 was spent on a levee nine miles long. In March of 1852 another flood caused this levee to give way; on December 19 another break occurred — this is the one here described by Magoon. For floods, see Bancroft, *History of California*, 6: 453, 458.

Thursday 23rd Mary and Children come to day they were at one of the neighbours a day or two I waded to my work

Friday 24th almost imposible to get to my work for the mud it is belly deep to horses and they use little flat boats insted of waggons this puts me in mind of the man who was seen going along on 2 st all under but his head a man say to him you are in a tight place aint you Oh no says he I have a good mule under me and other places I saw posts stuck up with notices stuck up on them that a man was lost there

Saturday 25 the watter is on a stand it is raining I worked all day Cristmas is no better day here than any other

Sunday 26th this would be a pleasant day if you could get out of the house

Monday 27th I went to work

Tuesday 28th at work raining

Wednesday 29th the levy broke again to day and the watter was about two feet higher than before it raised 12 inches to the hour Martin then rented a room 13 feet square and took his family in it and thought to be out of reach this time but it was nearly a foot deep in it Tom and myself eat to a resturant and sleep in the building where I work . . .

Thursday 30th at work yet the boats are gliding up and down the streets with out number and all kinds from the splendid sail boats down to rafts and dry goods boxes have to pay 5 cts to be sot across the streets

Friday 31st watter still on the rise and the people have to take to the high ground and second storys again

Saturday Jan 1st [1853] the watter is falling this day one would think a busy day for the streets are crowded with men in their little boats and even the ladies are out a pleasure riding

Sunday 2nd the watter has left I street up to 4th

Monday 3rd I received a letter from John from Downieville he says that provisions are scarce and not to be had at any price Tom and I went to Martin to day we caught considerable lumber and wood

Tuesday 4 we are moving Martins thing[s] to day from his old house

Wednesday 5th Tom and myself went back of the city hunting but got nothing

Thursday 6 rained and we staid in dores

Friday 7 went down in the city

Saturday 8th went to the post Office the post Office is not like it is at

home you get there you have to go to the end of the row of people that are waiting for letters and wait your turn some times it takes half day before you can get up to enquire . . .

Sunday 16th during the last week nothing has transpired of much importance except the falling of the watter which has left the most of the city I can not say dry for the mud is awful the weather is most of the time stormy but to day is verry warm and pleasant where the watter has left is quite green the times are verry dull and not much doing in the way of building but it is expected when the weather gets settled business will be good this has been a remarkable hard Winter both in this and Oregon the Columbia river froze over so as to bear up teams where ice was hardly known before the most of the emigrant cattle starved as there was no feed to be had and in this country a great many drowned on the account of the floods Mary and Martin are sick to day . . .

Sunday Jan 23rd the last week has been most disagreeable weather rainy and cold mud is awful yet . . . business is verry dull yet I have been sick all last week and all the rest of the family . . .

Sunday Jan 30th the weather most of the time has been pleasant . . . I have been to work this week for Doct Aflick on a ranch joyning town on last Friday there was a Sweed got one hundred lashes for a horrid crime . . .<sup>10</sup> the watter has nearly all left the City but it is verry muddy yet the gardens about the city are growing fine today it raines

Sunday 6th of Feb to day I went out to the grave yard . . . we counted about 75 graves that had been mad[e] during the last week the weather has been delightfull the past week and every thing looks green and the flowers begin to bloom . . . I have been idle this week the business is verry dull yet and the miners are doing nothing of any account they are fixing the streets some and we can get about again although far from being dry

Sunday Feb 13th cloudy and has the appearance of rain during last week the weather was fine but nothing to do . . . Miss Kate Hays has a Concert here the first chois of seats sold for twelve hundred dollars yesterday I commenced a house for Turner Isreal this morning Old Lafe Parvin come to see us he had not shaved for over a year there was a horse

<sup>10</sup> This is probably Conrad Sackin, who was tried and convicted, and his punishment put to a vote of the people, through the intercession of a minister, the Rev. O. C. Wheeler. Although some were for hanging and others for mutilation, the decision was for 100 lashes. H. H. Bancroft, *Popular Tribunals* (2 vols., San Francisco, 1890), 1:448.

race here to day and one of the riders got throwed off and hurt some . . .

Sunday 20th I was at work last week on Isreal House the weather has been fine . . . the small pox is verry bad here now 60 or 70 dies every week . . .

Sunday 27th of Feb the weather last week was pleasant except one day it rained I worked  $2\frac{1}{2}$  days we comenced to work for Mr Meegar on K street on Saturday last Monday evening I visited Gehama [?] Lodg[e] No 3 of Masons they work to perfection . . .

Sunday March 6th 1853 I worked all the week for Mr Meeker the weather has been butiful verry much like our May weather with out the showers business is more brisk we have plenty to do at present I went to the circus the other night it was a poor concern for this place Martin comenced his house yesterday small pox is raging yet there was one hundred and forty deaths on the Golden Gate on her last trip from panama to San Francisco died with the Cholera yellow fever and ship fever

Sunday 13th of March the weather continues verry pleasant we are at work and have five men to work for us . . . business is dull and a great many men Idle the gambling houses are well patronised . . .

Sunday March 20th it rained one day last week the rest verry pleasant we have not got our contract done yet for Dr Parris there is a good deal of excitement about the titles to the town lots whether the Sutter or squatter title will be decided good<sup>11</sup> yesterday we had a fire one house burnt down . . . to day I was out to sutter fort it is much decayed business has been brisk . . .

March Sunday 27th been at work all the week the weather is verry pleasant and to day it is raining hard . . . business dull . . .

Sunday Aprille 3rd we had rain all the fore part of the week till Thursday when it clared away and on friday the American and Sacramento rivers raised verry fast the American raised 10 ft one night the Sacramento was within four inches of the top of the Levy and on Friday it comenced to back up on the city and to day the city is all under watter to I st but falling a little this flood has knocked all kinds of business dead and I fear that it will not recover again this season the Losses have been imense during this flood Turner Isreal lost all his brick about one thousand dollars worth and all the other brick yards shared the same fate all the rances on the rivers

<sup>11</sup> For the complicated story of land titles in California, see Bancroft, *History of California*, 6:529-81.



were destroyed theys cattle drouned and crops lost I have been unwell for a few days I see by the paper that Marysville and all the upper country has been under watter the rivers all through the mountains were very high

Sunday 10 Aprille the weather was fine all the last week last Monday the City elections come off all Democrats elected with the exceptions of two Whigs business verry dull here but a great excitement about sutterville I worked half a day this week the watter leaves the city verry slow

Sunday Aprille 17th 1853 during the last week we have had considerable rain the watter has not left the City yet nothing doing streets impasible rained hard all last night and I never saw a harder thunder shower than we had to day and has the appearance of another . . .

Sunday Aprille 24th 1853 last week we had some rain on Thursday we comenced a house for Mr Meeker on fourth street business is verry dull the watter falls slow the streets are drying up a little bit but I st is impasible yet with Teams we go to work in our boat

Sunday May 1st 1853 last week we had some rain I worked all the week only the 29th of Apr day I went to see three men hung Stewart Ackerman Thompson<sup>12</sup> . . . it was estimated that there was five thousand present at the exicution

Sunday May 8th the last week was verry hot and sultry and mud disappears verry fast worked all the week on Mr Meekers house on 4 st . . . this week Adams and Co Express was robbed of 7 thousand dollars

Sunday May 15 had some rain last week we got done at Meekers on Thursday and went to work on Friday for Isreal & Carlile . . .

Sunday May 22nd during the week we had fine weather all but one day which rained hard on Wednesday one of the fire company was buried with the honours of the company headed by the Brass Band and American flag all dressed in uniform which had quite a Military appearance I was at work all the week at Turner Isreals house

<sup>12</sup> In his account of law enforcement by the vigilance committee in Sacramento, Bancroft has this to say of this hanging: "On the open plain near Sutter Fort in April [1853] three men were executed by the sheriff for the killing, near the corner of B and Tenth streets, of one John Carrol, known as Boot-jack. Shried by the Rev. O. C. Wheeler, salvation they considered sure; and while in this pious state of mind they humbly confessed that they could not tell a lie, that they did not do this murder, but that it was done by a cunning child of perdition, who made his escape; nevertheless they were hanged. The position held by the Sacramento Committee of Vigilance during the past two years made it incumbent on the courts to hang somebody." Bancroft, *Popular Tribunals*, 1:448.

Sunday May 29th 1853 the last week has been verry fine weather I was at work at Isreals house all week . . .

Sunday June 5th 1853 last week at work at Isreals on saturday evening went to Theater Mrs Sinclair the star of the evening She used to be Mrs Forest<sup>13</sup>

Sunday June 12th finished up all our old jobs ready to comence on a two story Brick to morrow I bought a new suit of cloths last night cost \$60 . . .

Sunday 19th during last [week] the weather was verry hot the thermometer ranged from 95 to 115 in the shade I worked nearly all the time on last Thursday evening I went to a supper given by the Lodges of this City I took my Lady and went out on the balcony in company with several others when it fell with a dreadfull crash to the ground distance 20 ft several got seriously injured my injuries were slight they received for tickets over nine hundred dollars . . .

Sunday June 26th 1853 the last week has been quite cool and pleasant the Masons had a Celebration on the 24 of this month there was a big turn out marched through the streets up I st to 9th down 9th to K st down K st to 6 st up sixth to the Church where they had an address by the Hon Mr McDougal Senitor of this state<sup>14</sup> in the evening had a grand supper at one of the Hotells while marching headed by a good Band of Music there was quite a number of Knight Templers they were mounted on Horse back and dressed in style . . .

Sunday July 3rd 1853 last week I played nearly all the week the weather has been fine . . .

Sunday 10 July last Monday the 4 was a verry fine day with a considerable amusement in the morning the Sunday school scholars of the several [churches] met at the church of the Presbyterian at 9 Oclo where they were addressed by the pastor of the Church then they were formed in procession headed by the Cadets of Temperance and a band of music and escorted to the Boat by Sacramento fire Co No 3 all in uniform the Boats got up Steam and went up the American river to a splendid grove where there was a sumptuous feast prepared there was about four hundred chil-

<sup>13</sup> Catherine Sinclair married the famous actor Edwin Forrest in 1837; she divorced him in a sensational suit in 1852.

<sup>14</sup> James Alexander McDougall, United States Senator from California, 1853-1855, 1861-1867.

dren in all I never saw so pretty a sight before each school was designated by the diferent coloured ribands they wore in the after noon the several fire Co were out on parrade all dressed in uniform headed by a Band of music they stopt in front of the Orleans Hotell and gave three cheers to Lola Montez<sup>15</sup> she appeared at the door and mad[e] a verry nice bow and a scrape to them in the evening they had a Ball . . .

Sunday July 17th 1853 the weather is fine to day verry much like a spring day at home last week I bought 3 tickets in Hiller & Andrews grand raffle to come off[f] on the 26 inst I see they have got the railroad track nearly down so they will comence bringing in the dirt next week the streets are to be filled up from 3 to 4 ft . . . Lola Montez gave the firemen a benefit on Thursday eve they marched from the engine room in uniform headed by a Band of Music they made a respectful appearance on parade the health of the City is remarkably good we are very busy at the present time

Sunday July 24th now is the time to go home the pasage from San Francisco to New York is but \$15 we have been verry busy of late

Sunday July 31st during the greater part of the past week the weather has been excessively hot so much so that I had my back all blistered through my shirts while working in the sun Last evening there was two men ascended in a baloon and during the day sent up several small baloons . . .

Sunday Aug 7th 1853 the weather has been verry Hot the last few days the Steamers runing between this City and San Francisco are in opposition and take pasengers for nothing to the Bay I have for a few days been unwell . . . there is considerable sickness here in the shape of Billious fever and ague there is a great many brick buildings going up so much so that I st is all in a confused state and raising buildings to the grade

Sunday Aug 14th . . . there was some excitement about the gold found in this City it has been took out as high as twenty dollars to the pan I have not been well for a few days.

Sunday Aug 21 last night there was a grand whig rally at the Orleans Hotell Col Baker and several other distinguished men it Broke up in a row as usual the weather is quite hot yet

Sunday Aug 28 verry windy and cool to day last week we finished

<sup>15</sup> Lola Montez, Irish adventuress, came to America in 1851 after several sensational marriages and traveled over the country in a play called *Lola Montez in Bavaria*. She died in 1861.

our job on I st and cleared eight dollars per day on it I am now working on a mill at eight dollars per day Politics are raging here now as Election is close at hand

Sunday Sept 4 the Last weeks I have been at work at a large Flouring Mill last night the candidates for Governors and Senitors were here I herd them speak politics are raging last week at the bay they sent up a baloon with a boy in it but did not give him any instructions how to let off the gass he kept going up till he likeed to frose and as he passed through the clouds a couple came in contact with the baloon and broke it which caused it to come down in a hurry so fast that it nearly took his breath so soon as he struck the ground it began to ascend again when his weight was off he tried to hold it till it carried him some 11 ft up again when he let the tarnal thing go as he said he came to the ground not far from Benecia the folks at San Francisco had give the boy up as lost as the boat landed that brought him back and as soon as they found that the baloon boy had got back there was an awful shouting the boy had his adventures printed and is making lots of money out of it the first day he sold over three hundred dollars worth he is considered some of a hero

Sunday Sept 11 . . . I worked all week at the mill at \$8 per day

Sunday Sept 18 the weather is fine yet but the rainy season is threatening us some we had siveral little showers during the past week Chas Browning and Geo Anson arived here on Friday morning last only 5 weeks from Muscatine they leave for Nevada City on saturday . . . we had a duel fought here last week in the street one of the parties got killed dead on the spot nothing done with the other<sup>16</sup>

Sunday Sept 25th this day I have been quite unwell on account of taking medicine the weather is quite hot now and sultry . . . I worked at the mill all week our City is full of all kinds of fruit and some of the finest mellons I ever saw

Sunday Oct 2 the weather is verry hot and sulty to day . . . to day the troting race came off Six thousand dollars bet the victorious horse trotted one mile in three minutes and five seconds last night I saw a clock runing by steam it had a verry small engine attatched it was quite a novelty I went to church this evening had a verry good discourse to young men the house was crowded I am still at work at the mill there is considerable sickness now in the city there is a large fire and a great racket I went

<sup>16</sup> See Bancroft, *California Inter Pocula*, Chap. 24, for dueling in California.



down to the fire it was a Steamer burnt down at the foot of K st

Sunday Oct 9th the weather is quite cool today but verry dusty . . . I am yet at work at the mill we started it on last night it workes verry well I went to church to day

Sunday Oct 16 last Tuesday I stopt work at the mill and we have three jobs of our own to rush through one for Wood and Kenyons two at Horse market the weather has been quite hot all the last week I went to theater last night we took in a partner one week ago last Wednesday Mr Henderson . . .

Sunday Oct 23 the weather has been quite hot during the past week and business brisk . . . last Thursday night one woman killed another by stabbing her she died in two hours they were both abandoned Women the one that got killed had five thou[sand] dollars she requested that to be sent to her Mother the other was taken to the prison brig to wait her fate which I think will prove fatal . . .

Sunday Oct 30th . . . our business is good the health of our City is good

Sunday Nov 6 . . . I am verry lonely to day and thinking the time is short for my stay in California last night the Squatters had a meeting on the Plaza I have not herd the proceedings yet

Sunday 13th Nov the weather is quite cool today and has the appearance of rain . . . last Night I went to the theater it was Mrs Sinclares benefit night the play was School for Scandal and was first rate on Friday we had quite a shower which made those that live in cloth Houses look wild and prepare for the winter which makes our business good at present I and K Streets are now graded and planked out past 9 st the city is building a watter works the watter will be carried through the city in iron pipes

Sunday Nov 20th on last Wednesday I finished up all our work and Saturday Started for Marysville by Stage there was 28 passengers in and on the Stage we arived at Marysville about 10 Oclo in the evening I found John Martin Olds and Branham also Downie my old instrumental Teacher of music I was at Marysville all day today and leave in the morning for Sac City Marysville has improved verry fast since I last saw it on Friday last John Quinn arived here from home in 32 days his tale of Muscatine rather cooled me down a little about comeing home

Sunday Nov 27th it has rained all day and has for several days back and of course mud is in order but how could we expect fine weather the

year round I got back from Marysville on Monday evening last on Thursday Healey one of my old Mining Companions came to see me he says he is sick of the mines and has gone below work is getting scarce Martin and myself dissolved partnership last week and I find due me clear of all expenses \$1155.38 . . . the plank road is done out 10 miles from the city and the City improvements still go on

Sunday Dec 4th the weather is fine to day it clared up on last Monday and has been pleasant since I worked the week between G and H streets building an Ice House for the Sitka Ice company the Sacramento river is raising slowly to day . . .

Sunday Dec 11th the weather is butiful to day but oweing to the recent rains it is quite muddy under foot the small pox begins to make its appearance again a great many have the ague . . .

Sunday 18 of Dec the weather is fine to day the State mail arived last night and was opened to day at 3 Oclo I went and stood in the line for two hours and great was my disappointment in not getting any news from home

Sunday 25 of Dec the last week I worked on a large Hotell on I st at 7 doll per day I worked to day for the first time on Sunday since in California the house is rented and they take posesion on the first of next mont[h] and we will have to work night and day to get it done what a wide difference in this Christmas and last last Christmas it rained hard all day

Sunday Jan 1st [1854] I worked again and this eve the proprietor treated us to a champaign supper the weather has been verry cold and clear the past week on Saturday the filibusters windy Guard [?] was out on parade it is useless to pretend to give a discription of their uniform only they represented all kinds of hideous objects with fals faces on

Sunday 7th Jan last night I got through work and now for Home the weather is cold . . .

Jan 13 1854 leave Sacramento at 2 Oclo bound for home on steamer Urilda for San Francisco and arived there at 2 Oclo Am and put up at the Mercantile Hotell

Jan 14 I took a walk about the city and found Judg[e] Hastings and Lafe Parvin old acquaintance of mine Lafe was at work in the Courier Printing Office I was taken sick and went to bed

Jan 15 a little better this morning Lafe came and then we went up to

Ed Mores House found them well then we went to see the different Ocean Steamers the Cotes just arrived from Nicuraugua with 500 passengers the streets are quite muddy and rains at intervals during the day

Mon 16 took passage on board the Steamer John L. Stephens bound for Panama Cabin fare \$100 left San Francisco at 4 Oclo the Sierra Nevada left at 2 for Nicuraugua the weather rough

Tues 17 the weather is quite cold and stormy we have good fare as could be desired our Long 34-42 Lat 125-55 distance made 215 miles

Wed 18 calm and pleasant Lat 31-17 N Long 118-10 distance run last 24 hours 248 miles

Thurs 19 Spoke a Whale ship this morning raining to day climate getting moderate Lat 22-44 Long 115-20 distance made 261 miles

Friday 20 getting quite warm and fair weather Lat 24-02 Long 111-55 dist run 290 m

Sat 21 crossing the Gulf of California to day and have a very high sea Lat 20-47 Long 108-17 distance run 281 miles

Sunday 22 very calm and hot Lat 18-3 Long 104-20 distance 264

Mond 23 arrived at Acapulco at 12 Oclo<sup>17</sup> I went on shore this being the second time I was here it is a nice clean Mexican town we left again at 4 Oclo the weather is very hot

Tues 24 this morning we have a very high sea we are crossing the Gulf of Tchauntepec the capt informs us that the sea is always rough at this place the wind blows to a severe gale the sea breaks clear over the ship Lat 15-20 Long 97-64 dist 200 miles

Wed 25 last night they doubled lashed the small boats and every thing else that was loose and let her run off before the wind the Gale got so strong this morning a large breaker struck her and carried away her bulwarks and part of the main deck and flooded the steerage passengers out and frightened them more or less Lat 14-29 Long 94-10 distance run 180 miles

Thurs 26 a strong head wind Lat 12-37 Long 90-05 distance 256 mi

Friday 27 strong head wind and a high sea Lat 10-20 Long 86-45 distance run 210 miles

<sup>17</sup> Note that in 1852, aboard a sailing vessel, the trip from Acapulco to San Francisco had taken 47 days — from May 28 to July 14. Now, a steamship made the same trip in 7 days — January 16 to 23.

Sat 28 runing close in to the land it is a butiful coast low and levil covered with pretty trees we have a two mile current to run against calm to day Lat 8-3 Long 83-15 distance run 250 miles

Sunday 29 we spoke the steamer Ohio in distress she was out of coal at 12 Oclo a meeting of the pasengers was called for the purpose of expressing our Thanks to the Capt and oficers of this boat for their good behavior Gen Moran of Oregon was called to the chair after pasing several resolutions adjourned with three cheers for oficers of the John L. Stephens we had a strong head wind all day . . . Lat 8-25 Long 79-40 dis 276 miles at 12 Oclo 28 miles yet to panama arived at Panama at 3 Oclo and put up at the Aspenwall Hotell<sup>18</sup>

Monday 30 left Panama for Aspenwall on mules through a verry rough and Mountainous rout last night 4 of our pasengers were Murdered this road is full of treacherous desperadoes who would cut a man throat for fun we arived at Gorgona at 1 Oclo and at 3 Oclo got on the cars and arived at Aspenwall at 10 Oclo and stopt at the City Hotell this is a low filthy place surrounded by swamps

Tuesday 31 to day we herd of the loss of the Steamer San francisco 2½ days out of New York 100 pasengers lost I took a walk out on the coast and gathered some shells

Wed Feb 1st left Aspenwall at 7 Oclo this morning on bourd of the steamer Geo Law bound for N York last night we set up all night waiting for our bagage to come from Gorgona Lat 10-02 Long 80-8 west distance from Aspenwall 45 miles

Thurs 2 the weather is pleasant at 8 Oclo we passed Old providance Island the capt showed me the chart of the rout and it is full of sand banks and reefs of rocks that nearly come to the top of the watter Lat 73° 58 North Long 81° 34 west dist from Aspenwall 295 miles

Friday 3rd at sundown last evening we passed over Muskeetoe reef we pass several to day the weather is fine and pleasant Lat 18° 3 Long 82° 43 distance last 24 hours 255 miles from Aspenwall 550

<sup>18</sup> On his return, Magoon had chosen the Panama route, rather than the longer Nicaraguan route taken on the journey out. Originally the Panama route had been the most popular, but the overland journey had been long, and when the Nicaraguan route by river and lake boat was opened, the Panama route declined in popularity. But in 1854 the Panama Railway had been opened part way across the Isthmus (it was completed a year later), and this route, now faster than the Nicaraguan route, again became popular. Bancroft, *History of California*, 6:139.



Sat 4 Cloudy and a rough sea Lat  $21^{\circ} 38$  Long  $84^{\circ} 50$  west last 24 hours run 246 miles from Aspenwall 796 miles at 11 Oclo we pased the Cape San Antonio the western extremity of Cuba at 12 Oclo spoke a British ship Gambria bound for London 7 days from Kingston at this cape is a verry large coral reef puts out and extends over 100 miles a fine light House is erected at this point the sea has a verry heavy swell on to day

Sunday 5th strong head winds and heavy sea exchanged signals with an American Bark at 9 Oclo 4 other sails in sight the high land of Cuba are in sight Lat  $23^{\circ} 28$  N Long  $82^{\circ} 34$  west distance last 24 hours 206 miles from Aspenwall 1020 miles

Monday 6th weather fine spoke several vesels and a great many in sight Lat  $26^{\circ} 17$  North Long  $79^{\circ} 30$  west dist last 24 hours 254 miles from Aspenwall 1256 miles

Tuesday 7th the wind began to blow from the north last night at 12 Oclo and has kept on the increase till it is now a severe gale and still blows harder every hour the waves roll frightfully she lays over on her Beams end so we can not walk about Lat  $31^{\circ} 4$  Long  $78^{\circ} 50$  dist last 24 hours 288 miles from Aspenwall 1544 miles

Wednesday 8 the gale is still strong and sea awful to look on we are kept below most of the time it rains and is cold last night we came near runing in to a ship so near that her yard arm rubbed our wheel house we pased Cape Haterass alwass a rough and stormy place Lat  $34^{\circ} 3$  N Long  $76^{\circ} 8$  west dis last 24 hours 230 miles 1774 from Aspenwall

Thurs 9th the sea has calmed down some the wind blows from the North west and is stinging cold Lat  $37^{\circ} 12$  N Long  $74^{\circ} 45$  W dis last 24 hours 204 miles from Aspenwall 1978 miles and from Sandy Hook 198 miles one pasenger died last night

Friday 10 at 6 Oclo this morning we arived off Sandy Hook was detained some time there on account of pilots arived at New York at 10 Oclo and put up at Lovejoy Hotell oposite the City Hall at 5 Oclo left for the west by the evening train

Sat 11 took brakefast at a station dinner at Dunkirk supper at Cleaveland and went to Toledo and stayed over Sunday on Monday morning at 3 Oclo started for Chicaugo arived there at 2 Oclo and put up at the Tremont House I parted here with my last California companion

Tuesday 13 [*sic*. 14] left Chicaugo at 7 Oclo and was detained at Blue Island station 5 hours on account of two trains comeing in colision took

dinner at Joliett supper at Geniseo 22 miles from rock-Island which we had to stage arived there a 2 Oclo at night and stopt at Rockiland Hotell

W 14th [sic. 15] left rock island and crossed on the Ice to Davenport where we took stage for Muscatine and arived there at 2 Oclo being absent 2 years and 5 days<sup>19</sup>

<sup>19</sup> In 1852 it had taken Magoon and his companions 20 days to reach New York from Muscatine by boat, stage, and railroad. Two years later, the return trip took only 5 days, almost all except the last few miles by railroad, an indication of the rapid growth of transportation in these two years.

## SOURCE MATERIAL OF IOWA HISTORY

### THE IOWA STATE FAIR OF 1856

[The first State Fair in Iowa was held at Fairfield, in Jefferson County, October 25-27, 1854; the second, also at Fairfield, on October 10-12, 1855. Finding the six-acre tract at Fairfield too small for the growing numbers who attended the Fair, the officers of the State Agricultural Society voted to move to Muscatine for the October, 1856, exposition. There, thirty-two acres on Muscatine Island in the Mississippi were provided and some \$7,000 spent on fitting up the enclosure. Included in the *Report* of the Society, published at Muscatine in 1857, is a newspaper story from the *Dubuque North-West*, detailing the events of this third Fair (pp. 22-34). — EDITOR.]

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The State Agricultural Society, as a means of stimulating improved and scientific culture in every branch of agriculture, and of developing skill and taste in manufactures, mechanics and the fine arts — in fact in every pursuit that tends to enrich and elevate a people, has already made itself felt. Those who attended the State Fairs in '54 and '55, could not fail to notice the very decided improvement in blooded stock, as indicated at the recent fair, and the generally increased interest and information as to the comparative value of breeds shown by the farmers in attendance. In every respect the fair was far ahead of those which preceded it. It is an organization which should receive the encouragement of every friend of true progress, and the press of the State should bring to its aid all its powerful influence.

The fair grounds, fitted up at an expense exceeding \$7,000, were situated on Muscatine Island, about two miles from the city. This island is a rich, level prairie, skirted by timber on the west; the main channel of the Mississippi washes its eastern shores about half a mile from the grounds, and the small branch of the river which disconnects the island from the main land, flows along the base of the bluffs for about fifteen miles, describing a segment of a true circle. This boundary of regular swelling hills, clothed with a forest rich in all the varied and brilliant hues of October,

gave a picturesque beauty to the scenery which could not fail to arrest the eye. To the southward, and not far distant, rose what is called the "sand mound," the summit of which is about fifty feet above the level of the island, and crowned with a grove of timber, which the autumnal frosts had already adorned with plumes of crimson and gold.

The fair grounds were substantially enclosed with a close plank fence, eight feet high, and comprised about thirty-two acres. The main entrance was on the north side, nearest to, and about three hundred yards from the railroad station. On the right and left of the gate were the offices of the Directors and Secretaries — very handsomely constructed and painted buildings, and surmounted by flags. Having passed the gate, the attention was at once riveted by the striking, yet tasteful arrangement of the interior, and the gay and animated scene presented to view. We will try to present it to the reader's imagination in such a way that he may to some extent share the pleasure it gave us.

Well then, we will suppose ourselves through the gate, and facing south. We notice that the ground gradually and slightly descends to about half-way, and then as gradually ascends to the southward and most distant boundary. The undulations are gentle and just serve to relieve the otherwise monotonous surface. The whole enclosure is fully under the eye from the point where we stand. The most striking object is a handsome and graceful open wooden tower, three stories high, situated about a hundred yards south-east, on our left, and from the summit of which floats the flag of the Union. — From large inscriptions on the tower, we learn that its three several stories are intended for the accommodations of "Editors," "Officers," and "Committees," respectively. It stands about twenty-five yards from the northern boundary, and just inside of the great circle, of course, for the display of stock. Between it and the north wall comes first the track, smooth and well beaten and about forty feet wide; next a space of some ten feet, divided from the track by a rope, and next the seats, rising from a platform four feet from the ground, one above another, to the top of the plank wall. The front of the platform is guarded by a handsome picket fence. These seats extend about two hundred and twenty yards along the northern boundary, and an equi-distance (say ten feet) from the course throughout that extent, which here comes up to a straight home-stretch of about two hundred yards. The seats would probably hold three thousand persons. The track, or course, which circles away, not forty yards from where we



stand, near the gate, is half-a-mile in extent, surrounded by a rope stretched at a height of about three feet, and its inner circles marked by strong posts set at intervals. (In one part of the track we observed a slight undulation, in passing which, the trotters frequently broke. With this exception it was a first rate track.)

Directly in front of us, and between the great circle and the western boundary, is an open way of considerable extent, leading to the halls, booths and open ground southward of the track. On our right, stretching along the entire west side of the enclosure, and forming the boundary, are the stables for horses on exhibition, got up in good, comfortable style, with lock and key to every stall. Here is indeed an animated scene. A rope divides the curious crowd from the working space apportioned to the grooms. Chargers of "high and low degree" are prancing and neighing along the whole line, while the grooms are busy with the usual appliances of sleek and glossy hides. It would put one in mind of a cavalry barrack in times of "inglorious peace," were it not for the long line of "sulkies," with their spider-like tracery, telling of the "turf," with now and then a more sedate "buggy," or a still more dignified carriage. The southern boundary, which is right in front and farthest from us, is occupied by pens for sheep and swine. The eastern side is occupied by covered stalls for cattle.

Just to the south of the great circle, about midway between the eastern and western boundaries, stand three halls, enclosed with canvass. These are some forty yards apart east and west. From the one in the centre float the "stars and stripes," and on the front in large letters is the inscription "Fine Art Hall." That on the left, or east, is inscribed, "Industrial Hall"; that on the right, or west, "Fruits, Vegetables," &c. Still to the right of these halls, stands a large refreshment booth, and in the rear a neat saloon for the exclusive use of the ladies. Long booths at each end of the seats, on the north boundary, purported to furnish dinner to all at fifty cents a head; but as to the quality of the viands there served up, the least said the better.

Having now glanced at the main features of the grounds, the arranging of which reflects so much credit upon the taste and energy of the Secretary of the Society, J. H. Wallace, Esq., and upon the liberality of the citizens of Muscatine, who made heavy advances to that end, let us commence our tour of inquiry.

**CATTLE.**—Huge letters at intervals on the plank wall inform us where we can find Devons, Herefords, Durhams, etc. In the stalls we come to

first, we find about forty head of the deep colored, clean limbed, neat and hardy Devons, of all ages and sexes, on exhibition by James Weed, Esq., of Muscatine county. These cattle do not appear to attain to extraordinary size, but are said to be good for the dairy, and active, strong and enduring under the yoke. Several premiums were awarded to this lot.

Next comes a bull and cow, owned by S. P. Hopson, of Muscatine county. We did not learn of what blood. They were, however, finely formed and well limbed — we should suppose a cross of Durham.

Wm. Fitzsimmon's bull and heifer in the next stalls, were also fine stock.

A cow owned by J. H. Wallace, of the Durham breed, came next, and excited much attention, as a most beautiful animal.

Next came two fine cows and calves, of Hereford blood, two large bulls, and two two-year-old bulls of Durham blood, on exhibition by LeGrand Byington, Esq., of Johnson county. These were fine cattle, and attracted much attention.

A Durham cow, owned by M. L. Morris, Esq., of Johnson county, was also worthy of note. A thorough-bred Durham cow and bull calf, whose owners' name we could not learn, were in the adjacent stalls, and were the finest specimens of that breed on the ground.

A large and noble looking cow, belonging to D. Warfield, Esq., of Muscatine county, occupied the next stall.

Then came for several stalls, William Lundey's Durham bull calf, William Bampy's fine and large Durham bull, (Scott county,) and a bull of Durham cross and a full blooded Clay bull, belonging to William E. Day, of Van Buren county. These were two fine bulls. The latter excited remark on account of his great height and symmetry.

Mr. Sicks Steinheilbler, of Louisa, exhibited a lot of very fine cattle. Mr. C. Cook, of Mercer county, had a very fine bull on exhibition. We could not learn the breeds of either of these lots.

H. G. Stewart, of Lee county, entered a lot of thorough-breds, of all ages and sexes, the neatest and most attractive cattle on the ground.

William Clausen exhibited a fine thorough-bred bull. G. H. Wood and P. Wagoner, of Muscatine, also had some fine cattle on exhibition.

While we were examining the stalls, on the morning of the first day of the fair, cattle were still coming, and their owners much engaged in entering and stalling them; so that we could not obtain that accurate information in regard to breeds which we desired, and the opportunity did not after-

wards offer. We heard it on all hands, however, that the entries in this class did great credit to the enterprise of Iowa farmers; and while they showed a decided advance over last year, indicated an awakened interest sure to lead to the best results. The number of entries in this class counted by hundred, but there was not one from northern Iowa!

The Mississippi and Missouri Railroad Company, having constructed a track to the fair grounds from their depot in the city, made regular half-hour trips, charging fifteen cents for passage down, or twenty-five cents for down and return ticket. The constant arrival and departure of the train with its crowds of passengers added no little to the stirring character of the scene. Often six and eight cars loaded to their utmost capacity, and hundreds without seats, arrived at once. Unger's Brass Band, belonging to Muscatine, was engaged for the fair, and their martial strains, at intervals, floated over the thronged grounds. In every direction, inside the enclosure, machinists were busy fixing up their various inventions and putting them in working order. Farmers and their wives were arranging their monster vegetables, preserved fruits, quilts and homespun. Artists and mechanics were fixing up the specimens of their skill; and the sound of the hammer, and notes of preparation were heard on every side. Without the enclosure various showmen, with voice and music, were trying to attract the public attention to the "Educated Alligator," "The California Bear, with but two legs," and "The Living Skeleton." Even the hand-organ and monkey were having their full share of attention.

At two o'clock of Wednesday, the first day, the grand cavalcade of entered horses, of all classes, came off. The cavalcade entering by the opening next the stables, and passing around the course, drew up in front of the seats, and at the foot of the tower. This was a fine sight. There were eighty-two horses rode and lead, forty in single harness, and twenty in double harness, making in all one hundred and forty-two. Among them were some of the finest specimens of horseflesh ever seen in Iowa. The Morgan brothers, belonging to Mr. Morton, of Muscatine, matched stallions, bright bays, active, symmetrical, and full of fire, were the favorites among the matched horses, in double harness. A pair of dark bay three year olds, Abdallahs, belonging to Joseph Green, Esq., of Muscatine, were also much admired. Judge Grant, of Davenport, drove a pair of black pacers, which attracted much attention.

Among the horses in single harness, a fine large grey, said to belong to

the Messrs. Beaubien, of this city, but entered by Z. Livermore, of Jackson county, was the favorite. His gallant air and graceful motion drew forth the cheers of the spectators, even the ladies greeting him as he came up to the stand, with the waving of handkerchiefs. This horse was awarded the first premium for horses in single harness, but being put on the track the same evening, at the race ground, a few miles below, and run for money, the horse was ruled off the course, on the second day, along with several others.

A fine young blooded stallion from Dubuque, was thrown, with his rider, by being run over a rope on the evening before. The rider was either drunk or careless, as the rope was in plain view. The horse escaped without much injury, but his rider was picked up insensible and was not on his feet till next day. This horse was badly groomed.

#### SECOND DAY

The second day of the fair was ushered in by a glorious sun and a light and refreshing breeze from the south. Had the weather been "made to order," it could not have been more beautiful and propitious. The autumnal sunshine and cool wind were just sufficiently tempered by that hazy languor peculiar to our Indian Summer, poetically termed "the smile of the year."

With sunrise the crowd began to gather. By eight o'clock the cars and vehicles of every description were pouring forth a living tide of humanity, and the gate-way was thronged by gay and eager visitors. By half-past eight, ten thousand souls were within the enclosure. The crowd now divided according to individual taste. The farmers, in dense masses, were seen around the stock pens and stalls, and about the agricultural machinery. The lovers of the noble horse, in heavy ranks, ranged along the stables, where the busy grooms were at the morning toilet of the steeds. Groups were scattered here and there over the extended grounds, watching the operation and listening to the explanation of some new machine. But around the halls in the centre of the grounds, was the group which chiefly attracted the spectator, looking from the tower. Here the dark masses of men were gaily relieved by the brilliant and variegated hues of female dress, the fluttering of ribbons and scarfs.

Mingled with the neigh of horses, the lowing of cattle, the noise of wheels and the busy hum of human voices, were the stirring strains of martial music, from Unger's Band. A large and loud-toned bell, on exhibition,



weighing some two thousand pounds, would occasionally lend its deep, solemn tone, to swell the chorus of sounds, and its iron bass seemed to harmonize so well with the scene, that no one thought of crying, "Silence that dreadful bell."

Before we enter upon the official proceedings of the day, we will make our proposed visit to the sheep and swine pens, ranged along the southern boundary of the grounds.

**SHEEP AND SWINE.** — First, on our left, we come to several pens containing seventeen French Merino ewes and rams, entered by C. W. Hyatt, of Scott county. These were not large, but were in good order, handsomely shaped, and in every respect clean and healthy. An examination of the fleece, showed a wool of the finest and silkiest texture, of a light straw color. This breed is said to be well adapted to our climate, to be hardy, productive, and to yield well.

Next to these came a lot of sheep entered by T. M. French, of Jefferson county. First. A large ram, without horns, weighing two hundred and forty-eight pounds, of the Leicester-English breed. The wool of this sheep grows to the length of twelve to sixteen inches, is very fine, and almost as white as snow. Mr. F. informed us that crosses from this ram were to be found in all the counties around Jefferson, one and two years old, hardy, large, and in all respects superior. Second. Eight French Merino rams — full bloods. Third. One Spanish Merino ram, smaller than the French, fleece closer, like in color, but apparently not so fine. The owner thought this the hardiest sheep which could be introduced into Iowa. Mr. F. had, also, on exhibition, two Shepherd dogs, the peculiar and striking instinct of which, as manifested in their management of the stock, is of the greatest value to shepherds. These dogs, at a signal or word from their master, even when his back was towards them, would promptly obey, directing the flock to any point, driving in the stragglers, and keeping off all intruders. Premiums were awarded to this lot of sheep and to the dogs.

William Bampy, of Scott, had on exhibition a Saxon ram, large, of fine fleece, and said to be well adapted to our climate. His Saxon ewes were also worthy of remark.

P. Wagoner, of Louisa county, exhibited a ram of singular form and crosses. He was a mixture of French, Spanish and Saxon, and his hide was corrugated, or lay in folds about his body, as if intended for an animal twice his size. The wool, too, differed in texture in different parts of his

body. If there is such a thing as an *idiot* brute, this was one, as we infer from the somersault he sent us on, when we only wanted to examine his ungraceful wrapper. Altogether, we should say that this result of a mixture of bloods, was more curious than valuable. Mr. W. had, also, a number of very fine sheep on exhibition, of various breeds.

Next came the swine pens, and being no great admirer of this class of stock in any other shape than well cured, well broiled and flanked by fresh eggs, hot coffee and warm rolls about seven o'clock, A. M., we shall not enlarge much upon the varieties on exhibition.

Mr. Stewart, of Lee county, entered a Suffolk sow and litter of five pigs — the latter about three months old and very large.

Friday & Dunn, of Scott county — A fine, full blooded Suffolk boar.

Edward Brown, of Muscatine county — A pen full of fine Suffolks, various ages.

George Brawley — Suffolk pigs.

R. W. Pitman, of Lee county — Cheshire-whites, two boars, very large, fine limbed hogs.

H. B. Munson, of Lee county — Cheshire-white sow, very large, five and a half feet long, and though not very fat, weighing five hundred and seventy-two pounds. He also exhibited a six months, full-blooded Suffolk boar — almost hairless, his skin having a sort of pink tint. Limbs small and neat, body very long and symmetrical, ears small, head short and well shaped.

C. Wright, of Louisa county — One five months, full-blood Cheshire boar — a fine animal. Also, several Cheshire-whites, and three Essex pigs, the latter black, neat and handsome — did not learn their ages.

George Fitzsimmons, of Muscatine county — One fine sow and litter of eight pigs — very large for their age; cross of Suffolk.

James Weed, of Muscatine county — Two very large boars, full grown, white and coarse hair — reported to us as Irish Graziers, but doubted. Also, one handsome Suffolk boar.

Smyth Bayles, of Lee county — A number of five months pigs, cross of Cheshire-white.

There were, also, Berkshires, one full-blood Poland boar, crosses of China, etc., etc., but as far as our observation went we should give a decided preference to the Suffolk, Cheshire-white and Irish — and crosses from these bloods — as the largest, neatest limbed, and most productive.

THE HALLS. — We have already described the location of, and the inscriptions on these. In dimensions they were each about 250 feet long, by 30 wide. A partition of boards put up horizontally, at intervals of a few inches, ran along the center of each hall, the entire length, and on each side of this partition were the tables, all stretching the entire length. We entered first the hall devoted to the display of fruits and vegetables, and at once resigned all idea of taking special notes. Huge pumpkins and squashes, monster heads of cabbage, beets two feet long and six inches in diameter, carrots, parsnips, radishes and rutabagas to match. Turnips, two of which could not find room in a peck-measure. Potatoes of every variety, water-melons, gourds, corn, wheat, oats, rye, barley, flax, hemp, and every other product of our prolific soil were here arranged in rich profusion. Our attention was engaged by a display of preserved fruits, apples, pears, tomatoes, &c., selected with reference to uniformity of shape and size, and put up in glass jars by Mrs. Major Sherfey, of Muscatine county. A gentleman from Wisconsin, whose name we did not learn, had on exhibition specimens of a new variety of the pie-plant, the stalks of which would measure six or eight inches in circumference, and were as tender as the smaller variety. Stalks of the monster plant, full size, preserved in syrup, had a most delicious acidulous flavor. Here was also, a specimen of Chinese sugar-cane, raised in Iowa. The fruits on exhibition embraced apples of numerous and fine varieties, pears, plums and grapes. These specimens were all indicative of high culture and good taste, but were too numerous to note particularly. Of these apples the finest varieties were exhibited by G. D. Stephenson and Jas. Weed, Esqs., of Muscatine, and S. G. Blakeman, Esq., of Scott.

G. P. Smith, of Cedar county, exhibited three firm, fine-flavored and large new cheese, one of which would weigh fully two hundred pounds. Messrs. W. and D. Davis, of Lee, also exhibited two fine cheese, of some age, and highly praised. But we must leave this chaos of big vegetables, etc., and visit the

FINE ART GALLERY. — Entering from the north, we first find a very attractive display of embroidery, needlework, &c., some of which we will note.

Mrs. Chittenden, of Keokuk, exhibited worsted and silk embroidery, landscape and portrait needlework, most beautifully executed.

Miss E. F. Wood, of Muscatine, landscape in worsted. Miss Amanda Fatts, of Muscatine, worsted work. Miss Sarah Brown, of Muscatine, work

in perforated paper. Miss M. C. Little, of Muscatine, "The Fall of Jerusalem," in crayon, executed with exquisite taste and faithfulness — much admired — also, "The Ruins of Carthage," in crayon, and ornamented leather-work frame, admirably executed.

Mrs. W. White, a case of bonnets, artificials, &c., which drew forth earnest praises from the ladies.

Mrs. T. D. Smith, of Muscatine, a worked collar. Mrs. S. Underwood, of Muscatine, beautiful specimens of worsted embroidery.

Mrs. W. D. Nichols, Davenport, silk embroidery, exquisitely done.

Mrs. Eystra, of Muscatine, a pink silk and a white merino scarf, each beautifully embroidered.

Quilts, blankets, coverlets, etc., of home manufacture were plenty, and did great credit to the industry and skill of the ladies of Iowa.

About the center of this Hall was an extensive and rare collection of reptiles and insects, also, a double-headed calf, exhibited by Dr. J. M. Shaffer, of Fairfield.

Next came a beautiful display of photographs, ambrotypes, etc., from the gallery of Schiebel & Co., Dubuque, to whom the first premium was awarded.

Thos. Hartwick, of Dubuque, specimens of penmanship, first premium; Larkin Upton, of Cedar county, penmanship, second premium.

Mr. Hartwick also exhibited his beautiful marble business card, and an eagle cut in stone, and was awarded the second premium for marble and stone work. The first premium was awarded to Wm. H. Guthrie & Co., of Davenport, who exhibited the most elaborately designed and beautifully executed marble mantels we ever saw in the United States. We regret that they had the misfortune to break the finest one, in its transit to the fair.

W. and S. Gurby, Troy, N. Y., exhibited engineer's and surveyor's instruments, embracing a full and complete set.

The agent of Holbrook's School Apparatus Manufacturing Company, of Hartford, Connecticut, exhibited various school apparatus, an orrery, or planetarium, a tellurian, globes, etc., and especially that scientific enigma, which seems to defy all known laws and set up for itself, called the gyroscope, or mechanical paradox. It was worth the whole trip to us to witness the operation of this mechanical accident — for it is nothing else. It must have been stumbled upon by some explorer in the regions of science. No known facts or laws could lead to such a result. We despair of making it



understood without the aid of a diagram, and shall not, therefore, undertake to describe it. The complete apparatus can be had for \$5, \$3.50 and \$2.50, according to style; and if any of our curious friends will order one, we will take pleasure in illustrating its operation to him.

A gallery of splendid pictures and engravings came next, which drew crowds of gazers. We did not learn the name of the exhibitor.

Geo. G. Mahan, of Muscatine, exhibited a splendid piano, some beautiful guitars, and other musical instruments. But we must not linger in this attractive hall, lest we occupy too much of our readers' time. In the

INDUSTRIAL HALL. — We shall note but few articles, as most of those on exhibition are familiar to all. Here were exhibited very handsome styles of cottage furniture — one set of *papier mache* cottage furniture which was exhibited at the Crystal Palace, in New York. We consider it a failure. The design is well enough, but it seems impossible to keep this material from cracking, from expansion and contraction, occasioned by changes of temperature, humidity, &c. A large quantity of fine hardware and cutlery was exhibited by G. G. Mahan, of Muscatine. We noticed also several axes, hammers and chisels, the handiwork of Mr. Geo. Terry, blacksmith, of Muscatine. E. G. Connell, of Columbus, Ohio, exhibited locks. W. A. Thurston, of Fort Madison, a tastefully embroidered and quilted black saddle. Mr. Bell, of Muscatine, two or three sets of elegantly mounted harness. A set of plate here exhibited bore a card inscribed, "This plate to be awarded to the exhibition of the best corn and cob crusher." Several stoves of new patterns were here exhibited, and various kinds of machinery, the uses of which we did not take the time to inquire. Mr. Wood, of Dubuque, exhibited a curiously constructed bedstead, of ordinary use, and yet adapted to sickness. It is a most ingenious thing, and was awarded a premium. East of this hall was deposited the agricultural machinery, threshers, reapers, cleaners, mills, ploughs, harrows, cultivators etc., etc., a goodly display. Also buggies, carriages, and wagons, of various descriptions. A two-horse wagon, manufactured by Messrs. Ament & McMurry, of Muscatine, attracted general commendation, on account of its strength, lightness, and elegance of finish. Messrs. S. & J. H. Lower, of Davenport, exhibited the finest carriage on the grounds.

In one part of the grounds, Alliday's wind engine pump, for farm use, kept a busy motion all day. These pumps run by wind, need no watching, will draw seventy-two feet, and force one hundred. Cost \$130 to \$160.

The best pump on exhibition, for all ordinary uses, and for forcing, (and in fact the best we ever saw,) was "Holly's elliptical rotary force pump." There is nothing but metal about this pump, and it is so constructed as to throw a continuous stream, by the turning of a crank. One of these pumps will throw water to every room of houses not over sixty feet high, and the cost is trifling. Address A. D. Baker, 177 South Water street, Chicago.

On the morning of the second day, horses were exhibited on the track, according to classes. The display was a fine one, and showed that a great deal of attention is being devoted to the improvement of this noble animal, in Iowa. At ten o'clock, roadster stallions were exhibited — twenty-six entered the course. The first premium was awarded to "Iowa Chief," Black Hawk blood, owned by C. J. Sampson, of Jackson county; the second to "Ethan Allen," Black Hawk blood, owned by J. H. Wallace, of Muscatine, and the third to a fine horse of Black Hawk blood, owned by Mr. Phelps, of Burlington. In the contest of trotting stallions, these three made the best time, in the order we have named them. Joseph A. Green, of Muscatine, took the first premium on matched trotters, with his beautiful three-year-old Abdallah fillies. Wm. Miller, of Muscatine, exhibited a handsome pair of Morgan colts, eighteen months old, in double harness.

The trotting against time, by the stallions on exhibition, was full of excitement, and gathered the entire crowd of ten or twelve thousand around the circle. The excitement of the spectators frequently broke forth in shouts, as some favorite came in on good time. The imperfect level of the track was a drawback of from five to ten seconds on each horse.

TROTting STALLIONS AGAINST TIME. — The track was half a mile in circumference. Each horse was allowed one warming heat, and two heats, or one mile, on time. We give the name and county of each horse, and his time:

John Adams, Scott county, 4:23; Blackbird, Jackson county, 3:13; Iowa Chief, Jackson county, 3:01; Osceola, Jackson county, 3:18; Pickwick, Scott county, 3:44; Wonder, Scott county, 3:15; Abo, Scott county, withdrawn second heat; Vermont Boy, Johnson county, 3:44; a Black Hawk colt, Scott county, 4:06; Nimrod, Scott county, 3:19; Green Mountain Black Hawk, Muscatine county, 3:04; Diomedes, Muscatine county, withdrawn.

The driver of Ethan Allen was ruled out, on account of his being a "jockey," and that horse did not appear.

Iowa Chief, Green Mountain Black Hawk and Blackbird, being the fastest three, were then put on the track together abreast. In drawing for places, Blackbird got the inside track; Iowa Chief the middle, and G. M. Black Hawk the outside. They started well, and kept up beautifully. On the home stretch, in the first heat, Green Mountain drew ahead, and Blackbird fell behind. On the third quarter, Iowa Chief took the inside track, and Green Mountain the middle, while Blackbird fell clear in the rear. On the home quarter, the two leading horses came to a close and gallant contest, and the excitement of the spectators was wrought up to the highest pitch. When it came to the home stretch of about two hundred yards, Iowa Chief shook off his antagonist, and came in ahead, his wheels clear of Green Mountain's head. The pent-up feelings of the crowd then broke forth in tremendous cheers. The time made was as follows: Iowa Chief, 2:59; Green Mountain, 3; Blackbird, 3:05.

#### THIRD DAY

Weather still beautiful. Crowd much increased — estimated at 15,000. On the open prairie, without the Grounds, not less than 600 vehicles, of every kind and description, stretched away in curious confusion, and over 1,200 horses were hitched among them. The crowds scattered in various directions outside, seemed to be nearly equal to that inside, and about 400 were coming and going every trip of the cars.

Two large elk, with tremendous antlers, said to be broke to harness, attracted many of the spectators outside.

The ladies were out in large numbers to witness the female equestrianism, and at an early hour the long range of seats was clothed in all the hues of the rainbow.

At 8 o'clock, riding horses were exhibited on the course. At 9 o'clock, trotters; at 10, horses in harness, matched and single. In noting the trotting, one mile against time, we will give the owner's name and county:

A. B. Porter's horse, Henry co., 3:22. Col Claggett's [sic. Thomas W. Claggett of Lee County, president of the State Agricultural Society] mare, Lee co., 3:06. S. M. McKibben's horse, Muscatine co., 3:14. J. S. Spearman's horse, Henry Co., 3:26. Mr. Kelly's horse, Johnson co., 3:35. Thos. Tucker's horse, Johnson co., 3:02. G. W. Hunt's horse, Muscatine co., 4:02. J. A. Green's matched 3 year olds, Muscatine co., 3:20. Judge Grant's matched pacers, Scott co., 4:00.

The entries of Messrs. Claggett, Porter and Tucker having made the best

time, were put on the course together. Porter's horse, by lot, got the inside track; Clagget's the middle track, and Tucker's the outside. On the first heat Porter's horse fell behind, and Clagget's took the inside, and Tucker's the middle track. These two were neck and neck, and moved in first rate style, on the first heat. On the second, Tucker's horse would draw ahead on the stretches, and fall back to his old place on the course. This kept up the excitement, and intense interest was felt as to the result of the struggle on the home stretch. They came up to breast in gallant style, and the contest still seemed doubtful. But Tucker began to move ahead. He managed his horse with the greatest skill. Soon he cleared his antagonist, took the inside track, and came in leading by the length of horse and half a wheel. Time, 3:13 — no appreciable difference between the two. Porter's horse was withdrawn on the second heat.

At 11 o'clock came off the grand cavalcade of premium animals. First premium indicated by a red badge; second by white, and the third by blue. The horses headed the cavalcade, sixty-four in all, next came three pair of fine matched mules, and two jacks, followed by fifty-nine horned cattle, and the rear brought up by eight sheep, driven by Mr. French's two shepard dogs. A finer lot of stock, in the various classes, we venture to say, has never been seen in the West.

LADIES' EQUESTRIANISM. — At 1 o'clock the ladies who intended contending for the prizes offered for graceful equestrianism entered the course. The contestants were as follows: Miss Pease, of Oskaloosa, in slate colored habit, riding an active and spirited sorrel; Mrs. M. J. Wheeler, of Iowa City, brown habit, bay horse; Mrs. Elizabeth Tyler, Burlington, black habit, grey horse; Mrs. Tedge, of Iowa City, black habit, bay horse; Mrs. McKonkey, of Scott co., buff habit, bay horse. A beautiful pacing pony, belonging to Capt. Ben. Harris was rode by a graceful and fearless little Miss, ten years of age, named Ada Kimball, of Iowa City. She was a volunteer, and wore no riding habit, but was tastefully dressed in pink. Each lady was attended by her cavalier on the first round, gait slow. Second round, cavaliers withdrew to the circles inside the course, and ladies rode alone — slow. Third. Ladies two abreast. Fourth. With cavaliers, at increased speed. Fifth. With cavaliers, faster. On the fifth round, a lady habited in green, dashed into the course, with her cavalier, and took her position in the rear. This was Miss Bell Brown, of Jefferson county. Sixth round, ladies two abreast, steeds loping. Seventh round, three abreast, at a gallop. Eighth and last



round, the brown, green, slate, and two dark habits (five) abreast. Mrs. McKonkey and Miss Kimball, who were not contestants, bringing up the rear. The ladies managed their horses well, and in this round particularly, presented a fine appearance, keeping rank like a file of dragoons. They came up to the tower amidst the plaudits of the multitude. The first premium, a splendid side-saddle, was awarded to Miss Pease, of Oskaloosa; Mrs. Wheeler, of Iowa City, the second premium, and Miss Bell Brown, of Jefferson, the third. The decision of the committee, composed of Hon. James Grant, of Davenport, Mrs. T. M. Isett, of Muscatine, Mrs. LeGrand Byington, of Iowa City, and a third lady, whose name we did not learn, met our judgment exactly; but not a few of the spectators dissented. All rode well, and each had earnest friends, who contended that his or her particular favorite ought to have had the first premium. Judge Grant, in announcing the award of the committee, paid a graceful compliment to all the contestants, and taking little Miss Ada Kimball's hand, presented her in his own behalf, as chairman of the committee, with a splendid, silver-handled riding whip. This well merited compliment was responded to by enthusiastic cheers from the spectators.

We will take this occasion to say, that though this feature in our State Agricultural Fair has its interest, it is one we do not approve. It is one step in the path the "strong-minded women" of the age would lead their sex, and its tendency is to draw women away from that retiring delicacy of character, and gentleness of demeanor, which are her chifest charms in every relation of life. . . .

During the entire three days not the slightest disturbance occurred on the grounds. All was harmony and good order, except that at one time, after the gray horse from Dubuque was ruled out, for running for money, the people, with whom he was a universal favorite, demanded his admission to the course, and for some time stopped all business by clamorous shouts for "gray," "the gray," — even threatening to "tear things to pieces" if their sovereign will was not complied with. So earnest was the desire to see this horse, that the subject was before the Directors three several times, and as often negatived — an exercise of power which we thought arbitrary and uncalled for.

The unanimous verdict of the delegation from Dubuque, both ladies and gentlemen, is, that the week in Muscatine was one of unalloyed enjoyment — and that her citizens for their generous hospitality, her ladies, for their

beauty and accomplishments, and her young men for their chivalrous gallantry, deserve prosperity and happiness.

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#### LOCATIONS OF THE IOWA STATE FAIR

1854, 1855	Fairfield
1856, 1857	Muscatine
1858, 1859	Oskaloosa
1860, 1861	Iowa City
1862, 1863	Dubuque
1864, 1865, 1866	Burlington
1867, 1868	Clinton
1869, 1870	Keokuk
1871, 1872, 1873	Cedar Rapids
1874, 1875	Keokuk
1876, 1877, 1878	Cedar Rapids
1879 to date	Des Moines

## HISTORICAL ACTIVITIES

### *State Historical Society of Iowa*

The Society gained 159 new members in January, 66 in February, and 39 in March. The following were elected life members: J. W. Forster, Rock Rapids; Miss Lean Hayes, Spokane, Washington; Dr. Myron E. Nelson, Waterloo; George L. Paul, Brooklyn; Philip L. Burgett, Evanston, Illinois; Mrs. Charles J. Hearst, Cedar Falls; and C. C. Clifton, Des Moines.

The Davenport Public Library recently donated to the Society some 160 volumes of old Davenport newspapers dated in the 1880's, 1890's, and the first decade of the twentieth century.

#### SUPERINTENDENT'S CALENDAR

- |             |   |
|-------------|---|
| February 3  | Spoke on Iowa to international students attending State University of Iowa.   |
| March 13-14 | Conferred with Iowa Development Commission.   |
| March 15    | Inspected North Central Library at Naperville, Illinois.  |
| March 16    | Visited American Library Association headquarters in Chicago to study information on new libraries. Inspected new headquarters of National Congress of Parent-Teachers Association. |
| March 18    | Inspected new Wheaton College Library and Northern Illinois Teachers College at DeKalb.   |
| March 27    | Spoke to Fortnightly Club, Washington, Iowa.  |
| April 2     | Inspected new Marquette University and Wisconsin State College libraries in Milwaukee.  |
| April 3     | Inspected new University of Wisconsin Library and the remodeled State Historical Society building, both in Madison.   |

April 19-21      Attended annual meeting of the Mississippi Valley Historical Association, Pittsburgh, Pennsylvania.

### *Iowa Historical Activities*

The Midwest Heritage Conference was held at Coe College in Cedar Rapids, April 5, 6, 7, 1956. Papers were read by R. A. Billington of Northwestern University, John D. Hicks of the University of California, Joseph L. Blau of Columbia University, Arthur Bestor and John T. Flanagan of the University of Illinois, Paul Sharp of the University of Wisconsin, Sidney E. Mead and Walter Johnson of the University of Chicago, Vaclav Benes of Indiana University, and John Murray and Albert Schmidt of Coe College. All the papers dealt with various phases of the Midwest Heritage.

The thirty-fourth annual History Conference was held at the State University of Iowa, March 23, 24, 1956. Charles A. Barker of Johns Hopkins University read a paper on "The Turning Point of American History, 1890, Reconsidered"; Thomas LeDuc, visiting professor at the University of Wisconsin, on "The One Consistent Theme in American Foreign Policy"; and Gordon A. Craig of Princeton University on "Bismarck and His Ambassadors: The Problem of Discipline."

Local historians who wish to publish the researches in their area will find a recent pamphlet publication of the American Association for State and Local History of value: "The Local History Magazine and Its Publication." Copies of this pamphlet may be obtained from the Association, Box 969, Harrisburg, Pennsylvania, for seventy-five cents each.

Plans are being made for the celebration of the centennial of Grundy County this year. Belmond in Wright County is also planning an observance of its centennial.

A Lewis and Clark Historical Association has been organized at Sioux City to preserve the Floyd Monument Park, and a movement has been initiated by the George W. Wakefield chapter of the Sons of the American Revolution to petition the government to make the monument a national historic site. The 125-foot obelisk, erected fifty-four years ago, marks the



grave of Sergeant Charles Floyd, the only man to die on the Lewis and Clark expedition of 1804-1805. A park now surrounds the obelisk.

Gerhard Thompson, Ray Stevens, and Mrs. G. N. Daniels were elected directors of the Wright County Historical Society at its annual meeting on February 27, 1956. State Representative Clark McNeal spoke at the meeting, and Mrs. G. N. Daniels reported on the work of restoring the 4-H building in the city park at Clarion.

Plans are being made in Dickinson County for the observance of the centennial of the Spirit Lake Massacre of 1857, when some forty persons were killed by a band of Indians. The centennial will be observed in March of 1957.

Governor Leo A. Hoegh has proclaimed the week of July 1-7, 1956, as Kate Shelley Week, in commemoration of the 75th anniversary of the heroic exploit of the fifteen-year-old girl from Boone, Iowa, who saved a passenger train from a wreck on the night of July 6, 1881. A memorial marker presented by the Order of Railway Conductors and Brakemen will be placed on Kate Shelley's grave at Boone and unveiled by Governor Hoegh on July 6, 1956. A bibliography of the Kate Shelley saga is being compiled by Miss Elizabeth O. Cullen, librarian of the Association of American Railroads.

C. B. Campbell of Knoxville was re-elected president of the Marion County Historical Society at its March meeting. Also elected were Ed Butterfield, vice-president; Mrs. Harold Houser, secretary; and Mrs. Carl Rees, treasurer. Mrs. F. P. Ralston was elected as a director to succeed E. O. Osborn who resigned. Also re-elected were Jack Belknap, curator; Iva Roorda, publicity chairman; Mrs. Ernest Frost, program chairman; and Bill Palmer, chairman of locating old cemeteries.

In 1955 Gerard Schultz wrote a *History of Marshall County, Iowa*, which was published at Marshalltown by the Marshall Printing Company. Superintendent William J. Petersen of the State Historical Society of Iowa, in his introduction to the work, says: "Gerard Schultz has performed a fine service for the people of Marshall County." Local histories such as

this, which tell the story of the development of one county from its beginning to the present day, are of value to the historian who wishes to study local developments as a part of the larger history of state and nation. Other counties, interested in bringing their history up to date, will find this Marshall County history of interest as a model of what they can do in their own localities.

## HISTORICAL PUBLICATIONS

### *Articles*

#### BIBLIOGRAPHY OF ARTICLES IN MIDWESTERN HISTORICAL JOURNALS

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"George W. Norris and Agricultural Relief During the Twenties," by Richard Lowitt, *Nebraska History*, September, 1955.

"The County Agent and the Nebraska Farm Bureau," by Floyd Rodine, *ibid.*

##### *Agrarianism*

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##### *Antislavery*

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##### *Art*

"Marcus Mote and His Pioneer School of Design," by Opal Thornburg, *Indiana Magazine of History*, December, 1955.

##### *Biography*

"Aaron V. Proudfoot, 1862-1936 [politician]," by Francis I. Moats, *Annals of Iowa*, January, 1956.

"Hanford MacNider, Eminent Iowan," by Dorothy H. Rankin, *ibid.*, April, 1956.

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# IOWA

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## COVER

The campus of Des Moines University in May, 1929, with police on hand to prevent the outbreak of further rioting. Picture, courtesy of the Des Moines *Register* and *Tribune*.

## CORRECTION

On the April, 1956, cover picture of the JOURNAL, the judges of the Iowa Supreme Court were listed incorrectly. Following is the correct listing, from left to right: Henry K. Peterson, Charles F. Wennerstrum, G. K. Thompson, William L. Bliss, Norman R. Hays, Robert L. Larson, W. A. Smith, Ralph A. Oliver, Theodore G. Garfield.



## DES MOINES UNIVERSITY AND DR. T. T. SHIELDS

By George S. May\*

Throughout the 1920's a portentous debate raged within Protestant churches between modernists and fundamentalists. While the former strove to accommodate Protestant theology to meet the challenge of the revolutionary ideas and discoveries of the modern world, fundamentalists fought to maintain the "old-time religion," whose truths were eternal, these conservatives maintained, and not subject to revision by mere man. Although fundamentalism existed before the twenties, the brash, iconoclastic intellectual temper of that decade, so antithetical to much that was orthodox, caused fundamentalists to be more zealous in the defense of their beliefs. In the field of education, which fundamentalists rightly regarded as crucial to their cause, the Scopes Trial at Dayton, Tennessee, in 1925, represented their desperate attempt to keep ideas which were contrary to their beliefs out of the public schools. In a more positive vein, an extreme fundamentalist group, the Baptist Bible Union of North America, tried to operate Des Moines University in Iowa's capital city along strict fundamentalist lines. After two years the experiment ended in 1929 in a spectacular failure.<sup>1</sup>

The central figure in this effort was the Bible Union's president, Dr. Thomas Todhunter Shields of Toronto, Canada, an extraordinary individual who invited either loyal devotion or bitter enmity.<sup>2</sup> Few who knew him could be moderate in their view. "What you do to Dr. Shields you do to the Lord Jesus Christ," one follower contended. At the other extreme, a Baptist women's leader maintained that she could not express her true feel-

\*George S. May is research associate of the State Historical Society of Iowa.

<sup>1</sup> For histories of the fundamentalist-modernist conflict, see Stewart G. Cole, *The History of Fundamentalism* (New York, 1931), and the more recent work which has not entirely superseded it, Norman F. Furniss, *The Fundamentalist Controversy, 1918-1931* (New Haven, 1954).

<sup>2</sup> Principal sources for the biographical sketch which follows are: Gerald Anglin, "The Battling Baptist," *Maclean's Magazine*, 62:15ff (June 15, 1949); "The Fundamentalist Fiasco," *Christian Century*, 46:672-4 (May 29, 1929); *Canadian Who's Who, 1952-1954* (Toronto, 1954), 964; *Gospel Witness*, 7:5-7 (Nov. 1, 1928).

ings about Shields because "Christians shouldn't use that kind of language."<sup>3</sup> Comparing him with his principal associates in the Bible Union, Dr. William B. Riley of Minneapolis and the Rev. J. Frank Norris of Fort Worth, the liberal religious weekly *Christian Century* described Shields as "unquestionably the dominant personality." A man of boundless energy, he was also "inflexible of will, domineering, and the very incarnation of fanatical conviction. He is an extremely able platform man, and fights on by fair means or foul long after almost every other man will quit."<sup>4</sup>

Shields maintained that he was no extremist but simply an "old-fashioned" Baptist such as all in the church had been twenty-five years before. But his actions showed him to be certainly no compromising moderate. Since the time of Jesus, Shields argued, Christian experience had been marked by conflicts, the latest of which was between fundamentalists and modernists. "Is there no middle ground?" some asked. "No," replied Shields, "there can be no compromise . . . no middle ground . . . because modernism is anti-Christian." He admitted that "there are degrees of Modernism, as there are stages in the development of leprosy, or any other fatal malady; but the end is always the same."<sup>5</sup> One Iowa evangelist contended that Shields "was a controversial figure because he was a man who acted upon conviction rather than for personal convenience."<sup>6</sup> But Shields's career was less a testament to his uncompromising devotion to convictions than to his temperamental inability to work on a basis of equality with anyone or to tolerate disagreement with his policies, no matter how unimpeachable the critic's fundamentalism might be.

In 1927 Shields was fifty-four years old, six feet two inches in height, a broad-shouldered, somewhat paunchy but impressive figure. His most striking features were his huge head and his small, heavily lidded eyes which gave him a haughty, imperious look well suited to his general manner. When to these imposing physical attributes was added a voice majestically ministerial, the combination was one which even a hardened sinner would find irresistible.

From his birth in Bristol, England, it was almost inevitable that Shields, like so many of his forefathers, would enter the ministry. His father had been an Anglican cleric before joining the Baptists. Toward the close of

<sup>3</sup> Quoted in Anglin, "The Battling Baptist," 15, 51.

<sup>4</sup> "The Fundamentalist Fiasco," 672.

<sup>5</sup> *Des Moines Register*, May 13, 1929; *Gospel Witness*, 6:8 (May 12, 1927).

<sup>6</sup> Rev. Phil R. Halvorsen, Eagle Grove, Iowa, to author, Apr. 27, 1956.

the nineteenth century he took his family to Canada where, in 1897, young Shields was ordained. The latter's education did not go beyond high school, but through constant and extensive reading he acquired an effective mastery of the English language. Beginning in 1922 he published the *Gospel Witness*, where one or more of his sermons appeared each week, along with articles attacking the latest object of his wrath.

In 1910 Shields was called to Toronto's Jarvis Street Baptist Church, the largest and most important Baptist parish in the Dominion. Here he remained until his death in 1955. In 1921 some members, angered by his autocratic methods, sought to oust him from the pulpit. However, when the question came to a vote, with Shields himself in the chair, the dissident group was defeated. The Shields forces promptly dropped these people from the church rolls, although they included most of the substantial members of the congregation. Within five years Shields had increased the membership to 2,219, nearly double what it had been before the split.

He had built his following through a tireless religious program. In the opinion of the Philadelphia Baptist, Dr. W. L. Pettingill, the church's strength lay in its prayer meetings. One preceded the Sunday evening worship service which in turn was followed by a "great prayer and praise meeting . . . which lasts until 10 o'clock or after, and is full of joyous acclamation and earnest intercession." On three evening during the week there were two-hour prayer meetings. "And such praying!" wrote Pettin-gill. "Here are men of God who truly wrestle in prayer before God. It is old-fashioned, but most delightful to be in such meetings as these."<sup>7</sup>

Shields's ministry was based on an unshakeable belief in the Bible as "Heaven sent and inspired by God." Modernists contended that parts of the Bible, at least, were not divinely inspired but were legends which had been passed down from generation to generation. Shields answered by declaring: "Start at the first of the book. . . . 'In the beginning.' How else could those words have been included in the bible than by inspiration from God? There was no one here in the beginning. The story must have come direct from above." For Shields the choice was simple. If one accepted the first verse one thereby admitted that the writer had received "heaven sent inspiration," and this admission must apply to the rest of the Bible. But, and here was the heart of the entire fundamentalist case, "If the verse is rejected, the book is rejected." If that verse was not the direct word of

<sup>7</sup> *Gospel Witness*, 7:5-6 (Nov. 1, 1928).

God, every verse in the Bible was laid open to doubt, and doubt was fatal to the literalistic, Bible-worshipping fundamentalist theology.<sup>8</sup>

Shields fought the modernists in the Ontario-Quebec Baptist Convention until finally in October, 1927, he and his church were expelled. He conducted a parallel campaign against McMaster University, a Baptist school in Hamilton, Ontario, for having on its staff men who were too liberal for his tastes. As the leader of the extreme Baptist fundamentalists in Canada, it was natural for Shields in 1923 to join with like-minded brethren in the Southern and Northern Baptist conventions of the United States to form the Baptist Bible Union of North America.

By 1927 the Union, which had succeeded for several years in keeping the Baptist conventions in a turmoil with its denunciations of modernism, had reached the end of its rope. Moderate fundamentalists had broken with the Unionists, a leading Northern Baptist moderate, J. C. Masee, describing them as men who "entertain bitterness toward their brethren . . . seek contention for contention's sake . . . [and impute] motives unjustly, or seek to spread suspicion without cause."<sup>9</sup> With the election in 1926 of the moderate J. Whitcomb Brounger as president of the Northern Baptist Convention the influence of the extremists sank to a new low. The Union's reputation suffered a crushing blow in July, 1926, when the Rev. J. Frank Norris shot and killed an unarmed opponent in his parsonage study. There were no witnesses, but Norris succeeded in convincing a jury that he had acted in self-defense. Temporarily, however, even extremists admitted that the "pistol-packing parson" was a liability to their cause.<sup>10</sup> The opportunity to take over control of Des Moines University gave the Union a new lease on life by giving it a fresh outlet for its energies.

Modernism in the colleges appeared to worry fundamentalists more than its intrusion into any other area of society. With growing despair, Dr. William B. Riley reported, millions of fundamentalist parents were asking, "Where can we educate our children without having them returned to us confirmed skeptics?" For years conservatives had been convinced that the schools in the Northern Baptist Convention were "shot through with modernism." Dr. T. T. Shields spoke for his followers when he declared that

<sup>8</sup> *Waterloo Evening Courier*, Nov. 11, 1927.

<sup>9</sup> Quoted in Cole, *History of Fundamentalism*, 290.

<sup>10</sup> *Ibid.*, 289-91; Furniss, *Fundamentalist Controversy*, 126; Ralph L. Roy, *Apostles of Discord: A Study of Organized Bigotry and Disruption on the Fringes of Protestantism* (Boston, 1953), 351.



"Chicago University, in its religious teachings, is utterly anti-Christian, and is as aggressive as was the serpent of Eden."<sup>11</sup>

For many years the Baptist school, Des Moines University, had been criticized on similar grounds by Baptist fundamentalists in Iowa. At the annual meeting of the Iowa Baptist Convention in Waterloo in 1926, Rev. H. O. Meyer of Des Moines, a leader of the Iowa Bible Union, declared he was unwilling to support the school until he knew "just how the university stands on the word of God." Modernism and infidelity were rampant among the faculty and students, Meyer declared, and Iowa Baptists had lost confidence in the school. Another prominent fundamentalist, Rev. Warren L. Steeves of Waterloo, introduced a resolution demanding as a condition to financial aid that the trustees and faculty of the University be required publicly to affirm their absolute belief in the historic Baptist doctrines. Rev. J. F. Catlin of Council Bluffs protested that it would take all night to agree upon what these doctrines were. In the vote that followed few supported the Steeves motion.<sup>12</sup>

Nevertheless, the hostility of Baptist conservatives was one of the reasons why Des Moines University was never able to secure the financial support that it needed. Finally, on May 9, 1927, with the University hopelessly in debt, the trustees announced that they were approving a plan to merge the institution with Drake University, a larger Des Moines school which was affiliated with the Disciples of Christ.<sup>13</sup> This action shocked Iowa Baptists and supporters of the University into seeking some way by which the school could be saved. Ironically, it was one of the University's severest critics, Rev. H. O. Meyer, who put forward the plan which was to give the school a reprieve from death.

There is some confusion as to the origins of the proposal, but it appears that Meyer asked himself why the Bible Union should not take over the University and run it along fundamentalist lines. He spoke to a University alumnus and trustee, Frank E. Foulk, a Des Moines physician, who at once saw in the idea the means of preserving his alma mater. The two men then

<sup>11</sup> William B. Riley, *Inspiration or Evolution* (second ed., Cleveland, 1926), 179; *Gospel Witness*, 5:2 (Mar. 24, 1927); *ibid.*, 6:8 (May 12, 1927); Cole, *History of Fundamentalism*, 66-7.

<sup>12</sup> *Des Moines Register*, Oct. 22, 1926; *Waterloo Evening Courier*, Oct. 22, 1926.

<sup>13</sup> *Baptist Record*, 28:3 (May 14, 1927); *Des Moines Register*, May 10, 1927; *Des Moines Tribune-Capital*, May 10, 1927. For a brief history of Des Moines University up to this time, see G. P. Mitchell (ed.), *A Century of Iowa Baptist History, 1834-1934* (Pella, 1934), 141-6.

discussed the plan with state Baptist leaders, who expressed interest. A final decision had to await the annual Bible Union meeting in Chicago late in May.<sup>14</sup>

After two days of talks at Chicago between Union leaders and representatives of the Iowa Baptist Convention and the University trustees, a preliminary announcement was made on May 29 that the Union would take over control of the school, its assets, and its liabilities. The campus, consisting of five buildings, was located in the northern Des Moines subdivision of Highland Park. The school's normal enrollment was between 500 and 600 students. Its assets included property valued at \$682,637, and an endowment fund of \$184,772. On the debit side, mortgage bonds totaling \$225,000 were outstanding, while unsecured debts totaled \$105,000. As evidence of its ability to meet the financial needs of the University, the Union was supposed to raise \$50,000 before final transfer of control took place. Although the fundamentalists could obtain only about \$40,000, the University trustees decided that this was satisfactory, and at the annual board meeting on June 9 control of Des Moines University formally passed into the hands of the Baptist Bible Union of North America.<sup>15</sup>

When news reached Des Moines shortly after midnight on May 29 that the Union would take over the school, a few students rang bells and tooted horns, but most of them were too busy with final examinations to celebrate their school's salvation. During the commencement period ending with graduation on June 6 an air of melancholy hung over the University as a feeling prevailed that much that had been associated with it in the past would end with the new regime. In his baccalaureate sermon, Dr. Howland Hanson, director of religious life, told the graduates that they need not feel ashamed of the education they had received. In spite of what critics said, Des Moines University, Hanson assured them, had sought not to corrupt but to strengthen the students' Christian beliefs.<sup>16</sup>

Dr. Frank W. Padelford, secretary of the Northern Baptist board of edu-

<sup>14</sup> *Gospel Witness*, 6:13 (Aug. 11, 1927); *ibid.*, 6:3 (Nov. 3, 1927); *Des Moines Tribune-Capital*, June 2, 1927; *Baptist Record*, 28:7 (June 11, 1927); *ibid.*, 28:6 (Sept. 3, 1927); *ibid.*, 28:3 (Nov. 26, 1927); Matthew Westrate, Muscatine, Iowa, to author, Apr. 24, 1956.

<sup>15</sup> *Des Moines Register*, May 30, 31, June 3, 1927; *Des Moines Tribune-Capital*, June 2, 1927; *Gospel Witness*, 6:9 (June 2, 1927); *ibid.*, 6:1 (Jan. 12, 1928); *Baptist Record*, 28:6 (Sept. 3, 1927); *Toronto Globe*, June 6, 1927.

<sup>16</sup> *Des Moines Tribune-Capital*, June 1, 1927; *Baptist Record*, 28:3 (June 11, 1927); *ibid.*, 28:4 (June 25, 1927).

cation, although wishing the Bible Union success, regarded "the loss of this school as nothing less than a tragedy and an unspeakable disaster. We had hoped to see developed at Des Moines our strongest school between the Mississippi and the Coast, and now it is gone."<sup>17</sup> T. T. Shields replied that Des Moines University was indeed "gone" — "it is gone from the ranks of Modernistic institutions." So far as conservatives were concerned, Shields denied that there was any "tragedy" here, for if the Union succeeded "we shall have at Des Moines a university that will stand for the principles upon which practically every Baptist educational institution in the land was founded."<sup>18</sup>

Although the special committee which had represented Iowa's Baptists admitted that it was aware of the objections to its disposition of the problem, it felt that the transfer of the school to the Bible Union was much preferable to other plans of merger or liquidation.<sup>19</sup> Other Baptists approved the change. Frank Foulk, who, together with Rev. H. O. Meyer, was chosen a member of the new board of trustees, reported that he had "never had the privilege of meeting with a more earnest group of men and women than constitute this board." He pleaded with his fellow Baptists not to withhold support because of "suspicion and smallness of vision."<sup>20</sup> A former state Baptist director of Christian education, Jay A. Lapham, assured his brethren that the "men and women of the Baptist Bible Union are our own folks, earnest, devoted, and evangelistic to a degree. They have no intention of taking the school, so dear to many of us, out of our denomination."<sup>21</sup>

Shortly before the Bible Union's annual meeting in May, 1927, both Shields and Miss Edith Rebman, secretary of the Union, submitted their resignations, pleading that their duties were too much for them. To those familiar with Shields's career this was seen as a tactical maneuver to beat down opposition to his leadership. At any event, during the annual meeting the Union's executive committee insisted, according to Shields, that unless he reconsidered his resignation they would not take over the school. Shields said that he feared to be responsible for a refusal by the Union to put into practice the educational ideas they had so long criticized others

<sup>17</sup> *Baptist Record*, 28:7 (June 11, 1927).

<sup>18</sup> *Gospel Witness*, 6:11 (June 23, 1927).

<sup>19</sup> *Baptist Record*, 28:6 (Sept. 3, 1927).

<sup>20</sup> *Ibid.*, 28:5 (July 9, 1927).

<sup>21</sup> *Ibid.*, 28:9 (June 18, 1927). See also *ibid.*, 28:4 (Aug. 6, 1927).

for not applying. Therefore, he told the committee that he "could not see how it was possible for flesh and blood to carry more than I had carried, but that I would cast myself afresh upon the Lord and trust that He would provide strength equal to the need."<sup>22</sup>

When the new board of trustees of Des Moines University was announced on June 12, Miss Rebman was the board secretary and Shields the president, as well as acting president of the school itself. The organization which had hoped to cleanse the Baptist conventions of modernism was now reduced to the status of a watchdog over its newly acquired property. To facilitate the performance of this task, the Union's national headquarters were moved to the Des Moines campus in July. Indicative of the control Shields now exercised, the Union's annual meeting in 1928 was held in his Toronto church, and Riley and Norris did not attend nor were they officers any longer.<sup>23</sup>

Shields attached great importance to what happened at Des Moines University. Fundamentalism in general, and the Baptist Bible Union more specifically, he emphasized, were "on trial before the world." For many years members of the Union had been criticizing Baptist schools for their modernism. Now at Des Moines, he pointed out, the Union "has ceased to be an opposition: it is now the Government. Will the Baptist Bible Union prove as effective in construction as in destruction?" It was necessary to face the fact that the way in which this challenge was met "will either make or break the Baptist Bible Union." Shields was confident of success. Des Moines, he predicted, would be "the only Baptist University north of the Mason-Dixon line in the United States or in Canada, committed to conform its teaching in all departments to the Bible as the Word of God."<sup>24</sup>

The most complete statement of the new regime's aims and purposes appeared in the University bulletin for 1927-1928. The Bible Union, the bulletin declared, planned to develop at Des Moines "a great Christian school of higher learning which will be absolutely free from the taint of modernism." There was no point in maintaining a denominational school if it was no different from state institutions. Des Moines University, therefore, would

<sup>22</sup> *Gospel Witness*, 8:3 (May 23, 1929); *ibid.*, 6:5-7 (May 19, 1927); *Des Moines Register*, May 31, 1927; Cole, *History of Fundamentalism*, 291-3.

<sup>23</sup> *Des Moines Register*, July 18, 1927; *Toronto Globe*, June 13, 1927; *Gospel Witness*, 7:2 (June 21, 1928).

<sup>24</sup> *Gospel Witness*, 6:9 (June 2, 1927); *ibid.*, 6:11 (June 23, 1927); *ibid.*, 6:3 (Nov. 3, 1927).



. . . be operated in harmony with the great fundamentals of the faith such as: the divine inspiration, infallibility, and authority of the Bible, as being the very Word of God; the virgin birth of Christ and His essential Deity; His expiatory sacrifice — the Just for the unjust to bring us to God; His literal, physical resurrection; His ascension to the Father's right hand, and His personal return, — in short, Des Moines University will teach the supernaturalism of Christianity as opposed to the naturalism of modernism which is prevalent today.

The educational ideal of the school would revolve around the belief that "Christ must be put first; the end of all education must be to know Him better. If we study languages, mathematics, literature, philosophy, or any of the sciences, it must be with a view to obtaining a better knowledge of Christ." Resentment was expressed at "the arrogant assumption of the modernists that acceptance of the Bible as the Word of God necessarily implies either a lower order of mentality or defective education." On the contrary, "the highest scholarship will ever be found compatible with simple faith in Christ and His Word."<sup>25</sup>

To accomplish these ends it was essential to have the right kind of faculty. Shields later maintained that the Union should have wiped the slate clean by hiring an entirely new faculty. "We ought to have known," he confessed, "that anyone who could have been comfortable under the old regime . . . could not possibly fit in with a biblical and spiritual order of things." His excuse was that there had been no time for a mass replacement of instructors. Summer school classes began on June 13, only four days after the new trustees assumed control. Therefore, it was necessary to act quickly, and a faculty meeting was immediately called.<sup>26</sup>

Shields informed them that as a condition to employment every member of the faculty, as well as the trustees, must subscribe to the Baptist Bible Union's Confession of Faith. This document, similar to others which fundamentalists had tried to impose upon the Northern Baptist Convention, contained two articles of special significance to teachers. The first expressed the Union's unqualified acceptance of the Bible as a "supernaturally inspired" work. It "has truth without any admixture of error," the creed affirmed; "it is both scientifically and historically true and correct; and therefore is, and shall remain to the end of the age, the only complete and

<sup>25</sup> Des Moines University *Bulletin*, 1927-1928 (title page missing), 4, 6.

<sup>26</sup> *Gospel Witness*, 8:3 (May 23, 1929).

final revelation of the will of God to man; the true center of Christian union and the supreme standard by which all human conduct, creeds and opinions should be tried." Article Three dispelled any suspicion that the Union would countenance a biblical reinterpretation in the light of the evolutionary theory. It declared:

That the Genesis account of creation is to be accepted literally, and not allegorically or figuratively; that man was created directly in God's own image and after His own likeness; that man's creation was not a matter of evolution or evolutionary change of species, or development through interminable periods of time from lower to higher forms; that both animal and vegetable life was made directly, and God's established law was they should bring forth only "after their kind."<sup>27</sup>

Shields declared that the Union leaders "were willing to be called unlearned and ignorant, but . . . were determined to conduct the University in strict conformity to the great principles of our Confession of Faith which represent nothing more than the time-honoured principles for which Baptists have always stood."<sup>28</sup> Two clauses were added to the contract which faculty members had to sign. The first certified that the signer subscribed to the Union's Confession of Faith "without reservation," or, if not, stated whatever exception he might have. The trustees passed upon the seriousness of this reservation, but in no case, Shields explained, would they hire anyone whose ideas "involved disharmony with any fundamental principle of Evangelical faith." The signer pledged never in his teachings to contradict the creed, "or in any way, by precept or example, to teach or to bring to bear upon any student any influence likely to shake the student's confidence in the Bible as the divinely-inspired and infallible Word of God, or in the essentially supernatural character of the Lord Jesus Christ and His gospel." Since acceptance of this clause constituted a personal confession of faith, the signer also acknowledged, "over and above his academic duties," that he was obliged to do all he could to propagate and promote the gospel in the life of the University.<sup>29</sup>

On June 10 a special committee examined each faculty member individually. Due to the uncertainty which had existed regarding the school's

<sup>27</sup> The creed is reprinted in Eldred C. Vanderlaan (comp.), *Fundamentalism versus Modernism* (New York, 1925), 21-5.

<sup>28</sup> *Gospel Witness*, 6:13-14 (Aug. 11, 1927).

<sup>29</sup> *Ibid.*, 6:11 (May 3, 1928).

future, a number of the faculty had already accepted positions elsewhere. In other cases reappointment occasioned no special difficulty. Although Shields expressed a preference for Baptists he was willing to retain a few others who were "sound evangelicals." Thus Dr. Arthur E. Bennett, dean of education, a Methodist who expressed to Shields his sympathy with the Union's religious views, was told that he could "consider himself elected to the new Faculty."<sup>30</sup>

Difficulties did arise in some instances. At the faculty meeting on June 9, Dr. N. M. Grier, a biology instructor, defended the way in which the school had been operated and quizzed Shields and the other Union leaders and their special adviser, Wheaton College President James O. Buswell, on their scientific knowledge. "Dr. Grier's arrogant assumption of superiority would have been reprehensible if it had not been ridiculous," Shields commented. Although Grier claimed his contract still had a year to run, his summer school courses were dropped, and he was notified of his dismissal. That such a man as this "evolutionist" had been hired by the old regime seemed to Shields clear evidence of the need for a change.<sup>31</sup>

Grier described the faculty interviews as comparable to the third degree treatment. Some of the interviewees, he reported, emerged from the ordeal in tears. He questioned the religious sincerity of the new trustees when he charged that some instructors who did not agree with the Union's principles were retained because they had wealthy relatives. The football coach, Al Gowans, who for some reason was kept on the staff, reportedly replied when asked if he had ever been converted, "Yeah, lots of times." Shields called Grier's charges "a tissue of misrepresentations." He contended that Grier had insulted the "more than half of the Faculty [who] gladly welcomed the change in management, and declared themselves to be in hearty accord with the principles set forth."<sup>32</sup>

Foremost among those who did not "gladly welcome" the new administration was Howland Hanson, probably the only member of the faculty whose name was at all familiar to the investigating committee. Shields reported that before any member of the committee could say a word Hanson exclaimed, "Now here I am, kick me out if you want to." He expressed

<sup>30</sup> *Ibid.*, 6:14 (July 14, 1927); *ibid.*, 8:3 (May 23, 1929).

<sup>31</sup> N. M. Grier, "Fundamentalism's Newest Fortress," *School and Society*, 26:14 (July 2, 1927); *Gospel Witness*, 6:14-15 (Aug. 11, 1927).

<sup>32</sup> Grier, "Fundamentalism's Newest Fortress," 14-15; *Gospel Witness*, 6:17 (Aug. 11, 1927). See also *Baptist Record*, 28:11 (Sept. 3, 1927).

opposition to the Union's attitude toward the Northern Baptist Convention and a desire to leave the school. This wish was promptly granted.<sup>33</sup>

Close on Hanson's heels came the resignation of the dean of women, Phyllis Spencer. She told the press that she did not consider it any of her business how the new trustees ran their school. "However," she added, "I prefer to go where there will be religious freedom." Psychologist Dr. Norma Valentine Scheidemann told the committee that Grier had already stated her position as well as she could do it herself. She and Grier told reporters later that because of their opposition to the new board, they "might" hand in their resignations in a few days. This was apparently a face-saving maneuver on their part, since the trustees manifestly had no intention of keeping either one.<sup>34</sup> The one instructor whose loss the committee regretted was E. O. Kagy, dean of the college of pharmacy. In contrast to some of his colleagues, Shields reported, Kagy "behaved like a gentleman." Kagy, however, was a Unitarian, and thus theologically poles apart from the Bible Union.<sup>35</sup>

When the final tally was made the losses were heavy, especially in the fields of chemistry, biology, physics, and mathematics, where not one member from the old faculty stayed on under the new regime. On the other hand no changes were made in history or engineering. Naturally there was much comment on these events. Shields maintained that he and his colleagues were within their rights. The Union had taken over the University only on the understanding that it would be completely free to deal with all employees as it saw fit. About the only obligation it felt toward the old faculty was to see that their salaries were paid in full.<sup>36</sup>

Professor S. J. Holmes of the University of California asserted that Des Moines University now stood "squarely and honestly on the foundation of religious intolerance." The experiment, which smacked of the sixteenth century, was interesting, he confessed, but under the circumstances he could not see how the school could hire competent teachers. But the *Baltimore Sun*, home of H. L. Mencken, arch-foe of fundamentalism, disagreed

<sup>33</sup> *Gospel Witness*, 6:16 (Aug. 11, 1927); *Des Moines Tribune-Capital*, June 13, 1927.

<sup>34</sup> *Des Moines Tribune-Capital*, June 13, 1927; *Des Moines Register*, June 13, 1927; *Gospel Witness*, 6:16 (Aug. 11, 1927).

<sup>35</sup> *Gospel Witness*, 6:16 (Aug. 11, 1927).

<sup>36</sup> *Gospel Witness*, 6:13-14 (Aug. 11, 1927); *ibid.*, 6:1-5 (Aug. 25, 1927); *Des Moines Register*, June 16, 1927.



with Grier's characterization of the new regime as a "menace to education." The paper thought it only fair that "if the bible union has acquired control of the university for the purpose of teaching fundamentalism its leaders have the right to insist upon teachers who teach that doctrine and not the opposite."<sup>37</sup> Other Baptist groups pursued similar policies.<sup>38</sup>

During the summer of 1927 Shields and his faculty committee considered over a hundred applications for faculty appointments, a figure at least five times greater than the number of vacancies. Shields declared that the committee had set "a cast iron rule" that the school's academic standards were to be raised, not lowered, with each new appointee. At the same time, through personal interviews, they sought "to make sure that every member of the Faculty was so openly committed to the 'faith once for all delivered to the saints' as to make it impossible for Modernism to lift its head in Des Moines University." By the end of August, fifteen new appointments had been approved, making a staff of thirty-six. The educational background of the new appointees indicated that they were generally qualified for their work. Three of the six positions in the science faculties were still vacant, however, as well as the offices of president and dean of the college of arts and sciences, and, significantly, the entire Bible department. Not until December was the post of head of the latter division filled, and even then the appointee quit in a few months because of theological differences with Shields.<sup>39</sup>

To open the fall semester, which marked the real beginning of the Bible Union's experiment in fundamentalist-centered education, a Bible Conference was held on the campus. Fundamentalists were invited to drive to Des Moines and camp on the University grounds while attending the four-day meeting, but rain kept attendance considerably below expectations. At one of the meetings the faculty was introduced — "an exceedingly enjoyable hour," Shields commented, "and not a few eyes were moist as one professor after another declared his uncompromising loyalty to the Word of God." The new dean of the college of pharmacy, E. C. Callaway, formerly chief chemist at Portland, Oregon, and a leader of the Bible Union in that

<sup>37</sup> S. J. Holmes, "Academic Freedom in the Baptist Bible Union University at Des Moines, Iowa," *School and Society*, 26:269 (Aug. 27, 1927); *Baltimore Sun* quoted in *Des Moines Register*, Sept. 8, 1927.

<sup>38</sup> *Baptist Record*, 28:5 (Nov. 26, 1927); *ibid.*, 30:4 (Jan. 19, 1929).

<sup>39</sup> *Gospel Witness*, 6:14 (July 14, 1927); *ibid.*, 6:11-12 (July 21, 1927); *ibid.*, 6:6 (Aug. 25, 1927); *ibid.*, 6:5 (Dec. 15, 1927); *Des Moines Register*, July 7, 1927.

region, challenged the faculty "to nail their flag to the masthead." That a college professor made such an address, Shields felt, would "do more to reassure the public of such an institution's loyalty to the Truth than anything else could do."<sup>40</sup>

Still more reassuring was the lecture on "The Biology of the Bible" delivered by the new head of the biology department, Dr. E. O. Kaserman, a man who was described as "a Baptist, a Biblical scholar, as well as a scientist" who stood "like a rock against modern infidelity." His students would become "anti-evolutionists . . . not because they know nothing about evolution, but because they know so much about it that they know it to be untrue, and that it is propagated only by 'science falsely so-called.'" The most interesting part of Kaserman's lecture occurred when he declared that natural science properly dealt only with the present and the future. "For her the past is a closed book with which only speculative methods can deal." Thus he discounted all scientific reconstructions of the past which contradicted the Bible as mere "fancies." He brushed aside Heidelberg, Neanderthal, and Cro-Magnon man as "fictitious and wholly imaginary," declaring that their bones could not have survived the processes of decay normal to the areas in which they had been found for one century, let alone the thousands of years that paleontologists brazenly stated had elapsed since they walked the earth. If the bones of these alleged prehistoric men had such enduring qualities, then modern man, far from being the product of evolution, was the result of "unbelievable deterioration."<sup>41</sup>

Unionists rejoiced in the acquisition of such eminently safe instructors but were sobered by the specter of the old financial bogey. In an effort to create greater interest in the school, the Union's famous old triumvirate reassembled at the Bible Conference. J. Frank Norris delivered six addresses in two days before packed audiences in the University chapel. On the final evening he was joined by William B. Riley. Meanwhile, Shields talked to business groups in Des Moines. The pastors in attendance agreed to conduct financial campaigns in their states, while the three top leaders toured the entire continent in quest of students and funds. In view of Norris' recent brush with the law one Iowa editor cautioned that "when he comes in for a little contribution it won't be safe to hang back."<sup>42</sup>

<sup>40</sup> *Gospel Witness*, 6:14 (Oct. 6, 1927); *Baptist Record*, 28:7 (Oct. 8, 1927).

<sup>41</sup> *Gospel Witness*, 6:14 (Aug. 11, 1927); *ibid.*, 6:5 (Aug. 25, 1927); *ibid.*, 6:11-12 (Nov. 3, 1927).

<sup>42</sup> *Knoxville Express*, quoted in *Des Moines Register*, Oct. 9, 1927; *Gospel Witness*, 6:14 (Oct. 6, 1927).

Riley had maintained earlier that financing the University should present no problem. Iowa's orthodox Baptist churches alone could support the school "without ever overtaxing themselves in the least," he claimed. Like Shields, Riley observed that if, after all the fundamentalists' complaints about modernism in the schools, enough money was not raised to support this new fundamentalist school, "it will raise a very serious question as to the sincerity of our loud and long protest." If Riley were serious in his expectations, then he was due for a great disappointment.<sup>43</sup>

Shields declared that his financial goals were to wipe out the accrued liabilities of the school, then to build a steady income which would take care of current expenses and eventually free the school of debt. Instead of seeking an endowment which might make the school financially independent but could result in its drifting away from its original principles, Shields felt that it was better for the University to remain dependent upon the contributions of "Bible-believing Baptists" which would continue only as long as these people remained satisfied in the work the school was performing.<sup>44</sup>

At the board meeting in June, 1928, a disappointing total of only \$85,433 in donations was reported for the year—including the \$40,000 the Union had raised at the start. It was true that this total was more than the school had received through contributions for a number of years and that when added to the regular school income expenses were met. But the University's financial situation was shaky. It had been necessary in October to borrow \$10,000, with the backing of Shields's church, in order to pay faculty salaries. Heavy debts from the previous administration were an oppressive burden; only a slight drop in contributions would bring the entire structure crashing down.<sup>45</sup>

One thing that had become obvious was that control of the school by the Baptist Bible Union of North America did not mean substantial aid from that group's somewhat amorphous membership. At the Union's annual meeting in 1928, Max Schimpf of New York, a University trustee and member of the Union's executive committee, presented a University budget calling for the expenditure of \$175,000 in the coming year. This amount was apportioned, in part, among the Union's various regional divisions whose representatives agreed to set these amounts as the goal for their

<sup>43</sup> *Baptist Record*, 28:4 (Aug. 6, 1927).

<sup>44</sup> *Gospel Witness*, 6:2-3 (Jan. 12, 1928).

<sup>45</sup> *Ibid.*, 7:3 (June 21, 1928); *Waterloo Evening Courier*, Nov. 12, 1927.

members. But it was hard to create much concern among fundamentalists outside of Iowa for the financial well-being of that state's small Baptist school. These Baptists had other institutions and activities much closer to home which demanded their attention.<sup>46</sup>

Shields, with his characteristic vigor, threw himself into the campaign to make the school financially sound. In addition to reminding readers of the *Gospel Witness* constantly of the need for money, he traveled far afield in search of help. For several weeks in January and February, 1928, he made a grand tour of the West, addressing groups in Colorado, Arizona, California, Oregon, Washington, British Columbia, Saskatchewan, Manitoba, Minnesota, and finally Des Moines before returning home. In May he made a second trip to California. On these trips, and shorter ones through the Midwest and East, Shields reported that he found great interest in the University. However, although he was able to collect some money, the large contributions which he hoped for did not come in, although he expressed confidence that his tours would bear fruit along this line later. Despite reports to the contrary, no really wealthy men were interested enough in the Bible Union to give substantial aid to its activities. Instead, as Shields wrote in an article arrestingly titled: "Can Fundamentalists Get Money From God As Modernists Do From Rockefeller?" the Unionists placed their trust in the Lord. One fundamentalist leader reportedly had said that if the University were placed on a sound financial standing, "it would be *the most stupendous miracle of modern times.*" Shields replied: "Bible Unionists believe in the Bible. We profess to believe that the God of the Bible still lives, and therefore that nothing is impossible." All Unionists should pray for a miracle, but Shields pointed out that they could not expect God to help unless they themselves first gave their all to the University.<sup>47</sup>

Shields hoped that the school's enrollment could be increased to a thousand, in which case he believed that the institution would be self-supporting. But this hope proved as illusory as the expectation of large cash contributions. Fall enrollment in 1927 was 377, and it did not increase appre-

<sup>46</sup> *Gospel Witness*, 7:3 (June 21, 1928).

<sup>47</sup> Shields declared that he had traveled nearly 47,000 miles on behalf of the University during the first year of Union control of the school. *Gospel Witness*, 7:7 (June 28, 1928). For the article mentioned, see *ibid.*, 6:1 (Apr. 5, 1928). N. M. Grier had claimed that "men of means" were backing the Union, but Shields said that this was unfortunately not true. Subsequent events seemed to back him up. *Ibid.*, 6:13 (Aug. 11, 1927).



ciably in subsequent semesters. Although there were a number of students with homes outside Iowa, the great majority were Iowans.<sup>48</sup>

This fact re-emphasized the overriding importance of Iowa for the success of Des Moines University. As soon as the Bible Union assumed responsibility for its management, all official ties between the school and the Iowa Baptist Convention ended. Certainly, however, if conservative Baptists had been unhappy with the previous conduct of the school's affairs in the belief that it leaned toward modernism they should have been eager to assure the Bible Union success in its venture. State leaders evidenced a desire to forget past differences and to cooperate with the Union in all ways possible, but at the same time they made it clear that they expected Union leaders to show a similar "spirit of loyalty and co-operation toward all denominational interests and agencies."<sup>49</sup>

For a time hope existed that the two groups could work together for the school's benefit. During the summer of 1927 an agreement was reached between the executive committee of the Iowa Bible Union and the state Baptist Convention for representatives of the University to appear on behalf of the school before the district Baptist association meetings. However, the Convention leaders warned that the speakers should keep strictly to University matters and not wander into dangerous theological terrain or engage in "destructive criticism" of either the Iowa or Northern Baptist Convention. In the fall of 1927 the University's Alumni and Patrons Club launched a drive headed by Frank Foulk, past president of the Iowa Baptist Laymen's Council, to obtain greater support for the school. Other officers included Jay A. Lapham and state Baptist secretary Frank Anderson.<sup>50</sup>

But from the outset it appeared that the Union was either unable or unwilling to work to establish friendly relations with Convention Baptists. Late in December, 1927, Shields angered many Baptists by his treatment of Rev. George Derbyshire, leader of the state Baptist youth organization and pastor of the University Baptist Church in Des Moines. For years the church had met in the Des Moines University chapel and in part had ministered to the students. Now Shields told Derbyshire that this arrangement

<sup>48</sup> *Ibid.*, 6:6, 10 (Nov. 3, 1927).

<sup>49</sup> *Minutes of the Eighty-sixth Annual Meeting of the Iowa Baptist Convention . . .*, 1927 (Pella, 1927), 12; *Baptist Record*, 28:3 (June 18, 1927); *ibid.*, 28:11 (Sept. 3, 1927); *ibid.*, 28:3 (Nov. 26, 1927).

<sup>50</sup> *Baptist Record*, 28:3 (July 30, 1927); *ibid.*, 28:9 (Aug. 6, 1927); *ibid.*, 28:16 (Oct. 29, 1927).

was canceled as of February 1, 1928. He criticized Derbyshire's ministry as one which could not hope to provide "such biblical instruction and inspiration as we feel under obligation to supply our students." Admittedly Shields, as the property owner, had a right to cancel the lease, but why, Derbyshire asked, did he feel it necessary to indict his fellow minister's character and ability so tactlessly? The executive committee of the Iowa Baptist Convention left no doubt where it stood by expressing its confidence in Derbyshire and his official board and commending them "for their fidelity to the principles of our denomination and support of our work."<sup>51</sup>

A bitter argument developed regarding \$15,000 which the state Convention had turned over to the Bible Union when it assumed the University's management. The Union claimed the money was an outright gift, but Convention leaders insisted that it was a loan which the Union was to repay under the terms of the agreement made at the time of transfer of control of the school. Conferences between the two sides achieved nothing, as the Union refused to pay a cent. Convention officers felt that Shields and his group showed "complete lack of sympathy and cooperation . . . in view of the generous terms under which the property had been turned over to the Union." State Baptists increasingly concluded that it was futile to try to meet Shields half-way, and they simply quit trying.<sup>52</sup>

The alienation of Iowa Baptist friendship probably worried Shields little. From the start he and his aides declared that they expected to be opposed by modernists and their supporters. They were ill-prepared to meet peaceful gestures. Shields gloried in every opportunity to do battle with the foe in whatever shape he might assume. When a Des Moines newspaperman warned him that the daily press of that city disliked him and that newspapers could make or break an institution, Shields replied, as he later told his congregation, "Start your opposition, and I defy you or a thousand newspapers like you, to break any institution when God is in the midst of her." "Amen!" cried some of his listeners; "Hallelujah!" echoed others. With God on their side, why indeed should Bible Unionists seek favor with their opponents.<sup>53</sup>

Meanwhile, at the University itself, behind the glowingly optimistic re-

<sup>51</sup> *Ibid.*, 29:8 (Jan. 7, 1928); *ibid.*, 29:8 (Jan. 28, 1928); *ibid.*, 29:7 (Feb. 25, 1928).

<sup>52</sup> *Ibid.*, 30:6-7 (Feb. 9, 1929); Matthew Westrate to author, Apr. 24, 1956; Henry K. Peterson, Council Bluffs, Iowa, to author, Apr. 22, 1956.

<sup>53</sup> *Gospel Witness*, 6:11 (Oct. 6, 1927). The ejaculations are included in the stenographic account of the sermon.

ports officially issued from the campus, all was not heavenly bliss. Students returning to school in the fall found their activities much more confined than they had been previously. Theater-going, dancing, smoking, and, of course, drinking were frowned upon, but the most serious new restriction struck at social fraternities and sororities. After partially suspending the right of the societies to pledge new members during 1927-1928, the trustees in June, 1928, voted to abolish all fraternities and sororities after June, 1929. They did so, they declared, solely from "a desire to unify the student body, and to overcome the tendency to separate the students into several groups." According to one student, however, pledging continued, and the societies became centers of student opposition to the new regime.<sup>54</sup>

Although defenders of the University in its pre-Union days protested any attempt to question its religious atmosphere, one of the major reforms promised by the Union was that it would make the school once more a truly Christian institution. Daily compulsory chapel services were reinstituted, and the trustees "laid it upon the hearts of the professors that they should so walk with God that it would be perfectly natural for them to open every class with an invocation, seeking the help of God." At one chapel service Shields appealed to the students to step forward and declare their faith in Christ. Eventually all the faculty present and some 200 students stood in front of the platform, "pledged to seek revival, and to make spiritual matters and the winning of souls, the chief concern of their lives." In May, 1928, a University publicity release gave the religious testimonials of several anonymous students, one of whom declared that he had found after coming to school that he was not saved. "A few nights ago, in one of the dormitory rooms some of the boys showed me the way to salvation. Now I know I have it."<sup>55</sup>

But a letter to Shields from a ministerial student complained that students from Christian homes who had hoped to be strengthened spiritually found instead "an atmosphere which, in many ways, is not above that found in a state institution." Only that week, he wrote, freshmen in the men's dormitory were ordered to submit to paddling as part of their initiation. When the request was refused, "a regular hand-to-hand fight en-

<sup>54</sup> *Ibid.*, 7:5 (June 21, 1928); Phil R. Halvorsen to author, Apr. 27, 1956. See also Byron W. Mann, Des Moines, to author, Apr. 15, 1956; *Gospel Witness*, 6:5 (Nov. 3, 1927); *ibid.*, 8:3-4 (May 23, 1929); *Baptist Record*, 28:7 (Oct. 8, 1927); *Des Moines Register*, Oct. 15, 1927.

<sup>55</sup> *Gospel Witness*, 6:1-2 (Nov. 17, 1927); *Des Moines Register*, May 18, 1928.

sued. The language was not lawful to recall. No one was seriously injured, but many were badly bruised. God surely cannot bless us until such cruelty is done away." In addition, the daily chapel services were "very heart sickening" — filled with announcements and class business and only a pittance of devotion. On Sunday there was but one service and Sunday School for students. "At night young people are free to do as they please." The writer concluded glumly: "It seems as though we are failing in our task of training young people as Christian parents would have them trained."<sup>56</sup>

Because of his pastoral duties, Shields could not exercise day-to-day control of University affairs while he was acting president. During his absence a council of deans, with Dean Bennett as chairman, administered the school. However, Shields's real representative on campus was Miss Edith Rebman, an attractive young woman, who, as both the secretary of the Bible Union and of the board of trustees, wielded great power and influence. She soon became unpopular with the deans, who resented what they regarded as her interference in their conduct of affairs — this, as one dean remarked in an outburst of academic snobbery, from one who had no faculty rank. Miss Rebman's strict puritanical outlook doubtless did not win her friends among many of the students either. During a student vaudeville skit three coeds performed a lively dance, ending with one of them turning cartwheels. Miss Rebman was reportedly "shocked" at the performance. The girls were called before the disciplinary committee, where the rather more tolerant deans, after a short talk, dismissed the case.<sup>57</sup>

Relations between Shields and the University community appeared to be good for a number of months. In November, 1927, students and faculty treated Shields to a surprise birthday party. Reports were that "it was a very happy evening, long to be remembered by every one present." The following February, however, when Shields was present at the annual George Washington's birthday celebration, and students, as was the custom, sang several songs praising the father of his country, the English-born president jumped up and angrily criticized one of the songs as being derogatory to the British.<sup>58</sup>

<sup>56</sup> Phil R. Halvorsen to Shields, Mar. 1, 1928, quoted in *Gospel Witness*, 8:21 (May 23, 1929).

<sup>57</sup> Des Moines Register, Oct. 15, 1927, May 11, 1929; *Gospel Witness*, 8:6 (Sept. 5, 1929).

<sup>58</sup> Baptist Record, 28:2 (Nov. 19, 1927); *ibid.*, 30:6 (June 1, 1929); Waterloo Evening Courier, May 13, 1929.



The Toronto minister's irascible nature was revealed even more candidly at a vesper service during commencement week in June, 1928. The speaker was a Methodist bishop, who had been recommended for the occasion and was introduced by Dean Bennett. As Shields sat on the platform he soon recognized that the bishop's address was nothing but a "pronouncement on Social Evolution," containing "not a line of gospel, or a suggestion of supernaturalism." Shields sharply repudiated such teachings at the conclusion of the bishop's address. After the service he apologized to the bishop because he had not shown him the courtesy due a guest speaker, but, he said, "I want you to understand, sir, that this University exists to combat everything that you have taught to-day. We do not believe a word of it." Bennett was "white with indignation" and told Shields, "That man is no Modernist; he is perfectly sound." Shields seized Bennett by his coat lapels and said, "Dr. Bennett, I am not troubled about the Bishop. He is a passing stranger, but I am profoundly concerned to discover that you are unable to detect such rank poison as was served to the students to-day."<sup>59</sup>

Not only Bennett but a number of other members of the faculty were reportedly "very angry" at Shields and his words. Earlier in the year Shields had observed that "a Faculty with so many new members, working under new management and by new standards, of necessity will have to be 'run in,' as they say of a new car." Apparently some of the car's parts proved defective, for in June a full-page ad appeared in the *Gospel Witness* announcing seven vacancies in the faculty to be filled by fall. Among the positions open was that of head of the department of biology which E. O. Kaserman had occupied with such fanfare nine months before.<sup>60</sup>

In the summer of 1928 the search for a president for the University ended, and hope arose that the new appointee might be able to restore a more congenial atmosphere. Shields had once described the kind of man he was seeking as one "whose position on the great fundamentals of the faith is absolutely unquestioned . . . a man of positive and aggressive temperament who is ready to push the battle to the gate. No pacifist, no compromiser, no middle-of-the-roader, no not-quite-sure gentleman need apply."<sup>61</sup>

Dr. Harry Clifford Wayman seemed an ideal choice. A native of Kentucky who was an ordained minister and a product of schools in the South-

<sup>59</sup> *Gospel Witness*, 8:20-21 (May 23, 1929). The bishop's name does not appear in this account nor in contemporary accounts of commencement activities.

<sup>60</sup> *Ibid.*, 6:5 (Feb. 9, 1928); *ibid.*, 7:12 (June 14, 1928).

<sup>61</sup> *Ibid.*, 6:14 (Mar. 1, 1928).

ern Baptist Convention, he had been president of William Jewell College, a Missouri Baptist school, since 1922. In the spring of 1928, after a spirited struggle, Wayman obtained the approval of a majority of the school's trustees to the dismissal of three faculty members. Although the three men had been teaching at the college for terms of from 10 to 37 years Wayman now discovered that they exhibited "modernistic tendencies," which made their services undesirable. The fight stirred up so much controversy that despite his triumph Wayman resigned. Shields decided that such a man, "who had had his baptism of fire, and had stood the test, was the sort of man needed at Des Moines." Wayman conferred with the Des Moines trustees at their annual meeting on June 11 and 12. A few days later he appeared before the annual Bible Union meeting, where Shields introduced him as the new president. "With so able a man at the helm," Shields wrote, "we feel confident Des Moines University is well launched."<sup>62</sup>

Wayman convinced the trustees that he could solve a perplexing problem by bringing in a close friend from William Jewell College, Dr. Fred B. Pearson, as head of the Bible department. Writing to Pearson early in July, Wayman declared that he and his family had been "greatly impressed" with the new school. "Really," he wrote, "I think that there is a wonderful opportunity there. . . . The Trustees are very anxious for you to come. You will absolutely be your own 'boss' — no czar supervision or . . . inquisitions."<sup>63</sup> By August, Wayman had bought a house in Des Moines, and at the end of the University summer school he made his first official appearance by delivering the commencement address. The new president and his family quickly ingratiated themselves with the community and the University. "Under Dr. Wayman's wise direction," the Iowa Baptist editor H. H. Sadler believed, "the interest of Baptist forces of Iowa can again be drawn to Des Moines University as an institution for Christian education." Wayman was soon speaking before Baptist meetings throughout Iowa, manifesting a desire to work with the denominational organizations. It seemed that he might be able to bring about a reconciliation between the University and the state's Baptists.<sup>64</sup>

<sup>62</sup> *Ibid.*, 7:3 (June 21, 1928); "Shall Christian Colleges Be Honest?" *Christian Century*, 45:756 (June 14, 1928); J. C. Schwarz (ed.), *Who's Who in the Clergy, 1935-36* (New York, 1936), 1159.

<sup>63</sup> Letter printed in *Gospel Witness*, 8:10 (Sept. 5, 1929).

<sup>64</sup> *Des Moines Register*, Aug. 8, 17, 1928; *Baptist Record*, 29:15 (Aug. 25, 1928); *ibid.*, 29:3 (Sept. 8, 1928); *ibid.*, 29:9 (Sept. 22, 1928); Mitchell (ed.), *Century of Iowa Baptist History*, 147.

There was one serious blot upon his record, however. While he was president at William Jewell the college catalog on one occasion credited him with two degrees which he had never received. This was the principal evidence for the charge made by some Missouri Baptists that Wayman had sought to deceive others by claiming degrees to which he was not entitled. Wayman denied the charge, attributing it to maliciousness on the part of some of his opponents. He claimed that the false degrees had been printed in the catalog without his knowledge. The controversy occurred at the same time as the fight to dismiss the three "modernist" professors, causing the *Christian Century* to suspect that the latter served only as a red herring to distract attention from the other. The majority of the trustees approved a statement exonerating Wayman of misrepresentation, while the Baptist ministers of Kansas City expressed their confidence in his "honor, veracity, and integrity."<sup>65</sup>

All of this was public knowledge before Shields approached Wayman about coming to Des Moines. If Shields is to be believed, however, the trustees were not acquainted with the charges against Wayman when they first offered him the job, which is an interesting commentary on the thoroughness with which they investigated his qualifications. Shields, Wayman, and Fred Pearson discussed the matter one July day in Wayman's office. The question was particularly embarrassing to Shields since but a few weeks before he had been loudly questioning the validity of some of the degrees held by certain Canadian Baptist leaders. According to Shields, he told Wayman that he would have to get to the bottom of these charges. Wayman supposedly replied that this would ruin him. "Man need not be afraid of the truth," Shields argued. "But," Wayman answered, "they have the goods on me."<sup>66</sup> According to Pearson's account of the interview, however, Wayman laid all the facts of the case before Shields, and yet the latter "pleaded" with him to accept the presidency. When Wayman pointed out that his enemies might seek to embarrass Shields, the latter replied, "over and over, 'You do not need to worry one minute about this matter, for I will take care of that.' " Shields thereafter sent to all who inquired mimeographed copies of the statement of the William Jewell trustees exonerating Wayman. There the matter seemed to rest. Wayman was apparently accepted by Shields and the Bible Union without reserva-

<sup>65</sup> *Baptist Record*, 29:13 (Sept. 8, 1928); "Shall Christian Colleges Be Honest?" 755-6.

<sup>66</sup> *New York Times*, May 14, 1929.

tion. Several times in subsequent months, during Shields's absences, Wayman occupied the Jarvis Street pulpit and addressed Bible Union meetings as far away as Pennsylvania.<sup>67</sup>

On November 13, Wayman was formally installed as president. Shields, as head of the board of trustees, placed the school in his hands, assuring him of the trustees'

. . . hearty support; at the same time in behalf of the Trustees, and of the Bible-believing Baptist constituency which supports the University, we reminded him that the responsibility of maintaining in Des Moines both the highest scholastic standards, and, at the same time, absolute loyalty to Jesus Christ and to the Bible as God's word, in every class-room, must rest chiefly with the President himself; and that the Trustees would hold the President responsible for maintaining these standards.

A Bible Conference was held as part of the installation ceremonies, and among the speakers was William B. Riley. After the latter's concluding lecture, "Genesis and Geology," Wayman stepped from the platform to the floor of the chapel and "appealed to all present, particularly the students, openly and once for all, to dedicate their lives wholly to the service of Jesus Christ." After some hesitation, about a hundred students and all the faculty came forward and, at Wayman's request, knelt on the bare floor and prayed. "A University on its knees" was how Shields described the event. As he knelt with the others, he resolved that if the University was to go into bankruptcy, "it must be over our dead body. Such an enterprise cannot be surrendered." With unrestrained enthusiasm which was later to prove embarrassing he praised Wayman as "our greatest asset," "God's choice for the position."<sup>68</sup>

Under Wayman's leadership the University momentarily appeared to take real strides forward. Professor S. P. Fogdall, a long-time member of the faculty, later recalled that school spirit "was as fine as it had ever been."<sup>69</sup> But certain forces and individuals within the University proved too much for Wayman. The need for money became increasingly desper-

<sup>67</sup> Pearson's version is in *Baptist Record*, 30:8 (June 1, 1929). Shields discussed the degree question in *Gospel Witness*, 8:4-22 (May 23, 1929). See also *ibid.*, 7:6 (Oct. 25, 1928); *ibid.*, 7:13 (Nov. 22, 1928); *ibid.*, 7:7 (Feb. 28, 1929); *Des Moines Register*, May 16, 1929.

<sup>68</sup> *Gospel Witness*, 7:1-5 (Nov. 22, 1928).

<sup>69</sup> Mitchell (ed.), *Century of Iowa Baptist History*, 147.



ate. A grandiose scheme announced at the Bible Conference in November, which was to have yielded \$300,000, was almost a total failure. Late in April, 1929, an appeal appeared in the *Gospel Witness* stating that \$40,000 was needed by the first of June. The faculty was again forced to work without pay for considerable periods.<sup>70</sup>

Wayman later charged that he was kept largely in the dark about financial conditions. He, the president of the University, was not told who donated money to the school. Shields, he claimed, received large sums of money which he did not turn over to the treasurer and which he spent without authorization from the business manager as the school's by-laws required, although Wayman did not charge Shields with misappropriating these funds. These and other financial irregularities which he mentioned could not long have been tolerated by any college president.<sup>71</sup>

Wayman's problems were increased by the presence of Miss Rebman. Dean E. C. Callaway of the college of pharmacy, while stumping northern Iowa for the University during the summer of 1928, constantly heard criticism of the trustees "for allowing a [sic] uncharitable stenographer like Miss Rebman to run the school." Callaway said he defended her as well as he could, believing that when Wayman took over the trouble would end. Instead, Miss Rebman continued to act as a law unto herself, sowing seeds of discontent with the new administration and finally convincing Callaway that he could "walk no more with her." Fred Pearson reported that when he first came to the school in the fall of 1928 Miss Rebman was "quite enthusiastic" about his conduct of the Sunday worship services which Shields had instituted following Derbyshire's eviction from the University chapel. Then her view changed to one of extreme criticism. Her "sneering, synical [sic] attitude" during services and her "unchristian spirit" had made his work very difficult.<sup>72</sup>

Pearson was one of the faculty members who charged Miss Rebman with maintaining an espionage network to keep her informed of what was said in classes and in other University meetings. Shields, also, had his sources of information. For example, a young coed wrote her sister: "We wish that our zoology teacher were stronger against evolution and such. He is 'mum'

<sup>70</sup> *Gospel Witness*, 7:4-6 (Nov. 22, 1928); *ibid.*, 7:12 (Apr. 25, 1929); *Baptist Record*, 30:5 (June 1, 1929); *ibid.*, 30:5 (Sept. 21, 1929).

<sup>71</sup> *Baptist Record*, 30:6 (June 1, 1929).

<sup>72</sup> *ibid.*, 30:7-9 (June 1, 1929); *Des Moines Register*, May 16, 1929.

on the subject.” The sister passed this along to Shields, reporting that her brother and several of his friends who had gone to Des Moines expecting “to get something positive against [evolution] had been similarly disappointed in the instruction they were receiving.” Later Shields heard from the ministerial student who had written him the previous spring. Again he complained about the lack of religious content in the daily chapel services. “Students are crying for bread, and being fed stones,” the young man lamented.<sup>73</sup>

Most sensational of all the disruptive forces were the rumors that relationships between Shields, who was a married man, and Miss Rebman frequently assumed a distinctly personal character. While attending a religious meeting at Waterloo in February, 1929, Wayman first learned of these reports. Upon his return to the campus different persons informed him that the rumors had been circulating for many months. The suspicion that the Canadian Baptist had feet of clay “had a very bad effect upon the students,” Fred Pearson contended, even turning some of them away from religion.<sup>74</sup>

When the stories later were published, Shields denied their truth, asserting that there was a conspiracy to blacken his reputation. He charged that Rev. Warren L. Steeves of Waterloo had originated the reports because of a grudge against Shields over theological matters. Later when he was asked why he did not bring suit against Wayman for giving publicity to these reports, Shields replied that he had been advised against such action. Suing Wayman for libel would be like suing a skunk, he explained. “The poor creature cannot help its nature, and the safest way to deal with such an animal is to keep as far from it as possible.” The laws governing libel, of course, hindered the public discussions of the reports, but there is no doubt that many persons close to the scene were convinced they were true.<sup>75</sup>

Early in 1929 letters to Wayman from Shields expressed the latter’s belief that it would be necessary to make “some Faculty changes if we are going to make the University a real soul-trap for the students who come there.” In March, Miss Rebman made a business trip to California with Shields. Where before she had been usually friendly, “after her return,”

<sup>73</sup> Annis Gates, Los Angeles, to Shields, Nov. 5, 1928, and Phil R. Halvorsen to Shields, Feb. 8, 1929, quoted in *Gospel Witness*, 8:22-3 (May 23, 1929).

<sup>74</sup> Des Moines Register, May 13, 16, 1929; Baptist Record, 30:8 (June 1, 1929).

<sup>75</sup> Gospel Witness, 8:9-10 (Sept. 5, 1929); Baptist Record, 30:5-6 (June 1, 1929); Byron W. Mann to author, Apr. 22, 1956.

Wayman reported, "I suffered at her hands many indignities." He learned that there was a plan, which he believed had been worked out in California, "to absolutely reorganize the school, but what the plan was I did not then know." He decided to tell some of the trustees about the Shields-Rebman rumors. After discussing these stories with Max Schimpf in Toledo, Ohio, in April, Schimpf agreed "that things were very serious" and that when the trustees met in Buffalo in mid-May during the annual Bible Union convention, "we would tell Dr. Shields about them and ask him to be more careful."<sup>76</sup>

While Wayman was still out of town, Shields stopped in Des Moines on April 27 on his way to California to help reorganize the Los Angeles Bible Institute. This was his first visit since Wayman's inauguration. All day he was engaged in interviews, chiefly with students, none of which, he insisted, he had sought. Two Canadian and four American students confirmed his "fears that things were anything but right in Des Moines University." They declared that the rosy picture he had painted in November of "a University on its knees" was a gross misrepresentation. Wayman was reported to have told students who had transferred from such schools as the Moody Bible Institute that they could not expect the same kind of spiritual tone at Des Moines that they had been accustomed to at strictly religious institutions. Wayman said he had to cater to all students, not just to the Baptists. Not only was the president not sufficiently zealous in providing the proper religious atmosphere; the six students reported that he had been seen on one occasion in a theater, as had his son and daughter, while the latter had also attended a dance. Fred Pearson had admitted that he too had gone to the theater since coming to Des Moines. Shields's informants felt "that it was folly to expect any kind of spiritual development of the college under such leadership."<sup>77</sup>

Shields dictated a letter to Wayman, expressing his keen disappointment that he had not seen him and reiterating his conviction that changes would be necessary in the faculty and asked the president for his recommendations. He also reportedly told Wayman that it would be necessary once and for all to get to the bottom of the status of his degrees. In another letter to his fellow trustees Shields urged them to be present at Buffalo be-

<sup>76</sup> Shields to Wayman, Feb. 12, 1929, quoted in *Gospel Witness*, 8:23 (May 23, 1929); *Des Moines Register*, May 16, 1929. Wayman also talked with Dr. O. W. Van Osdel in Grand Rapids and received a similar reaction.

<sup>77</sup> *Gospel Witness*, 8:24-6 (May 23, 1929).

cause certain matters required "very serious consideration." It would "be necessary to make some radical changes this year. I am sure we all feel that when we appeal to spiritual people for the support of the institution we must keep faith with them." In a more optimistic tone he maintained that the general outlook was "extremely encouraging." He was "not at all disturbed by the fact that further changes will be necessary because that was to be expected."<sup>78</sup>

As Shields boarded the train for the West that evening he met Wayman returning from the East. The two men talked briefly and, according to the accounts both gave, amicably, neither man revealing any antagonism toward the other. But when Wayman arrived at his office the following Monday, April 29, events moved swiftly toward a climax.<sup>79</sup>

Relations between Miss Rebman and the rest of the University reached the breaking point. Monday morning, while Wayman was leading chapel services, Miss Rebman very noticeably got up and left in the middle of his talk. Afterward, Wayman reported, she told him "that she could stand it no longer, that she left because of my ministry." According to Shields, Wayman was greatly upset by the promised re-opening of the question of his degrees, and told Miss Rebman that if he was forced to leave the University he would "ruin two people; and I will wreck this institution."<sup>80</sup>

Following chapel services on Tuesday, leaders of the senior class decided to decline an invitation Miss Rebman had extended to all graduates to be her guests at a banquet in their honor. Shields later charged that Wayman had discussed the matter with one of the senior girls the previous day and had advised the class not to accept the invitation. But this Wayman denied, declaring that the seniors acted without his "knowledge or consent." He at once went to see Harvey Ingham, editor of Des Moines's two daily newspapers and obtained a promise that the incident would be kept out of the papers, since such publicity could ruin the school.<sup>81</sup>

On May 1, in an action precipitated by Shields's letter to the trustees, the deans jointly wrote the board that if wholesale faculty changes were made the academic standing of the school would be jeopardized. At the moment the University was on probation among the state's accredited col-

<sup>78</sup> *Ibid.*, 8:26-7 (May 23, 1929).

<sup>79</sup> *Ibid.*, 8:28 (May 23, 1929); *Des Moines Register*, May 16, 1929.

<sup>80</sup> *Des Moines Register*, May 16, 1929; *Gospel Witness*, 8:31 (May 23, 1929).

<sup>81</sup> *Baptist Record*, 30:5 (June 1, 1929); *Gospel Witness*, 8:30-31 (May 23, 1929).



leges. Even more serious, however, were the "persistent rumors" which were "embarrassingly ugly" and were discussed on the campus and throughout the state and which, together with Miss Rebman's interference in school affairs and "her espionage and dictatorial attitude" which had "defeated endeavor toward constructive growth and spiritual conquest," caused the deans to recommend that Shields and Miss Rebman "be asked to withdraw from the institution in order to avoid possible conflagration." This was essential if "the good name of Des Moines university" was to be preserved and the cause of Christian education was not to suffer.<sup>82</sup>

The following day, Rev. Minor Stevens and Frank Foulk, both of Des Moines, who were in sympathy with Wayman and the deans, together with a third trustee, James H. Sperry of Grundy Center, requested Miss Rebman to call a special board meeting on May 10 in Des Moines at which time the resignations of Shields and the secretary would be demanded. Although the trustees were due to meet at Buffalo beginning on May 14, it was no doubt felt that Shields would be more vulnerable in Iowa than he would be in Buffalo with the Bible Union at his elbow.<sup>83</sup>

Although Wayman took no official part in these moves, he was undoubtedly privy to them. He wired Shields either on April 30 or May 1 that there was "serious trouble" and that if at all possible he should return at once. Shields, who had just arrived in Los Angeles, replied that his schedule was full until the Buffalo convention. On May 2, Miss Rebman and Dr. R. T. Ketcham, leader of the Ohio Bible Union and a University trustee, who happened to be in Des Moines, notified Shields of the request for a special board meeting. When Shields received this news he telephoned Rev. H. O. Meyer, now of Pasadena, California, and the two of them "had a hearty laugh about the matter." Once their merriment had subsided Shields telegraphed Miss Rebman that he refused to allow the three trustees to upset his program. Miss Rebman was to wire every trustee, explaining the situation and advising them not to attend any meeting prior to the one at Buffalo. Shields declared it was "absolutely impossible [for the] enemy [to] accomplish more than reveal those who ought to be removed from the Board and Faculty." A few hours later, however, Shields received additional word from Miss Rebman and Ketcham "imply-

<sup>82</sup> Des Moines Register, May 17, 1929; Baptist Record, 30:3 (June 1, 1929).

<sup>83</sup> Des Moines Register, May 16, 1929; Gospel Witness, 8:28-9 (May 23, 1929); *ibid.*, 8:8 (Sept. 5, 1929).

ing that the reputations of two members of the Board were involved in the motion calling the meeting." This changed everything. Shields quickly brought his work in Los Angeles to a close, and he and Meyer arrived in Des Moines on Thursday morning, May 9.<sup>84</sup>

The atmosphere on the campus was charged with tension as the show-down approached. Shields did not attend chapel services on Thursday morning, but a friendly faculty member informed him that had he done so a violent demonstration would have taken place. During the day William B. Riley reportedly telephoned Shields from Minneapolis and urged that for the good of the school and the fundamentalist cause he and Miss Rebman should "quietly withdraw." Shields refused to budge an inch.<sup>85</sup>

On Friday morning a recent transfer student, I. Cedric Peterson, told a student meeting in the chapel that Shields some time ago had informed Wayman that seven members of the faculty would have to be dismissed. Wayman, according to this account, said that he saw no reason why any of these persons should go, which had brought Shields's wrath down upon him. With only four dissenting votes the assembled students passed a resolution endorsing Wayman and the faculty and asking the trustees "to discontinue the embarrassing situation which exists and to assure us as students that the credits of Des Moines university shall not be lowered nor jeopardized by faculty changes." In protest against the alleged anti-American attitude of Shields, the students sang the national anthem, only the few Canadian students present refusing to rise during the singing. In the afternoon students paraded about campus wearing little American flags as part of a pro-American demonstration.<sup>86</sup>

At 10 a.m., Friday morning, members of the board of trustees assembled in the University president's office to begin a strenuous session lasting sixteen hours, with only a short recess for supper. As Wayman entered the room, Shields pointed at him and exclaimed, "There is warfare between that man and myself." Wayman said later that these were the first ill words he had heard from the board president. There were conflicting reports of what went on in the meeting that day and night. Evidence was presented supporting the charges of "moral turpitude" in the conduct of Shields and Miss Rebman, but the deans, in their testimony, apparently

<sup>84</sup> *Gospel Witness*, 8:28-9 (May 23, 1929).

<sup>85</sup> *Ibid.*, 8:29 (May 23, 1929); *Baptist Record*, 30:3 (May 18, 1929).

<sup>86</sup> *Des Moines Register*, May 11, 1929; *Waterloo Evening Courier*, May 10, 1929.

tried to shift the emphasis of the investigation to the charge of administrative meddling. Eventually the trustees, whether by a unanimous vote or not is disputed, dismissed the morals charge as completely unfounded, "declaring to the world that [Shields and Miss Rebman] have emerged from the recent furnace of absolutely baseless and malicious criticism without even the smell of fire upon them." They enjoyed "the Board's esteem, affection, and trust, to a higher degree than ever before." Although not completely convinced that the trustees' action was justified, Wayman and the deans seem to have supported the dismissal of the morals issue in hopes that the board would then take up the other charges. But the pro-Shields board quickly voted their approval of Miss Rebman's conduct in office.<sup>87</sup>

Had matters been allowed to rest at this point, the situation could perhaps have been salvaged. At the end of the semester the board might have proceeded quietly to replace some of the persons it did not like. Probably a number of the trustees hoped this would happen, but Shields, flushed with triumph, insisted on pressing on when the weary board members re-assembled on Saturday morning. He introduced a resolution stating that "for the purpose of enabling the Trustee Board thoroughly to reorganize the entire University as may seem wise, it is hereby resolved that the position of President of the University, the position of every member of the faculty, the position of every member of the office staff, and the position of every other employee of the University be and is hereby declared vacant as of June 4th." Any member of the staff desiring to be re-employed had to file an application within ten days with Miss Rebman. Although the resolution declared that there was no intention of casting aspersions upon any employee, some of the trustees felt that Shields was going too far. Only by arguing the need for unity if the school was to continue was Shields able to jam his resolution through. Max Schimpf, Minor Stevens, H. O. Meyer, and Rev. Robert Kinney of Salt Lake City voted against it, while nine others supported Shields. The die was cast. Reconciliation between the opposing forces was now impossible.<sup>88</sup>

<sup>87</sup> The Shields side of the proceedings is in *Gospel Witness*, 8:31-2 (May 23, 1929); *ibid.*, 8:8-9 (Sept. 5, 1929). For Wayman's version, see *Des Moines Register*, May 16, 1929; *Baptist Record*, 30:4-5 (June 1, 1929). See also *New York Times*, May 13, 1929; *Des Moines Register*, May 11, 13, 1929; *Baptist Record*, 30:5 (May 18, 1929).

<sup>88</sup> *Gospel Witness*, 8:33 (May 23, 1929); *Baptist Record*, 30:5 (May 18, 1929); *Des Moines Register*, May 12, 1929. Frank Foulk was not present at the meeting, and Wayman did not vote.

Shields had called a special convocation at which time the board's actions would be explained. Early in the afternoon students moved restlessly about the campus, greatly disturbed by reports that the entire faculty had been fired and growing impatient because the meeting had not begun. Some boys arrived with a bushel basket of old unhatched eggs which they had picked up at a hatchery in the city. The manager had told them that he could not sell them the eggs, but indicated where they could be found, and then conveniently looked the other way. About 2 p.m. Shields and the other trustees left the administration building to go to lunch. Whistles began blowing, and students converged upon Shields, who was in advance of the others. "A yellow taxi was drawn up beside the campus," Shields reported, "and a very heavy-set taxi-driver was among the rioters. One of the Trustees divined that a kidnapping of the President of the Board was planned; rushing from the building he overtook him and conducted him back to safety." This sounds rather fanciful, but the angry students did throw a few eggs at the administration building before police officers and an appeal from Wayman dispersed them. Shields called off the convocation because of the temper of the students, and the board resumed its deliberations. Late in the afternoon Wayman went home, believing that the meeting had finally ended.<sup>89</sup>

After supper, however, some of the board members returned to their meeting room in the administration building. Around 7:30 Roy Porter of the *Des Moines Register* was in the business office talking over the phone to his city desk when he heard the crash of a window breaking. "Dr. Shields," a woman screamed, "they're bombarding the office!" Rushing to a window Porter saw about sixty students pelting the windows of the board room with eggs and stones. Somebody started chanting, "Get Shields! Get Shields!" Porter found the trustees huddled in a corner of their room. Hysterically Miss Rebman cried, "Oh, why do they have to do this? Don't get in the way, Dr. Shields!" Porter raised a shade and opened a window. An egg sailed past his head, and someone shouted, "Get your neck out of the way, and let us get that - - - - - Shields!" Porter went back into the business office, followed by the trustees, but the rioters saw the movement and switched their attack accordingly. Lying flat on a desk Shields called the police. "Send a squad out here right away!" he begged. The rioting

<sup>89</sup> *Gospel Witness*, 8:1 (May 23, 1929); *Des Moines Register*, May 12, 16, 1929; Byron W. Mann to author, Apr. 22, 1956.



students, their numbers continually swelled by new recruits, kept up their bombardment, all the while shouting: "Get Shields!" "Get Rebman!" "Break their necks!" A huge pane of glass was knocked out of a front window, and Shields barely ducked an egg that whistled through the opening. One trustee said over the noise, "The Lord God will protect us." But then voices could be heard urging the students to break into the building. "The Trustees," in Shields's words "desiring to avoid any collision with the infuriated mob, which might have resulted in mutual acts of violence, retired into a washroom off the office." Remaining behind, Porter crawled under a desk while John Robinson, a *Register* photographer, picked up his camera and crouched under a window sill.

In a few minutes the mob burst into the building and began searching for the objects of their fury. Shields and his companions had pushed on into a storeroom, but in the darkness E. A. Brownlee, a trustee from Toronto, had become separated from them and was dragged out by a burly athlete. "Brownlee, a little man, was pale as a ghost," Porter declared. "He didn't utter a syllable. He looked like a man about to walk up the steps of the gallows." But the students were not interested in him, and a leader ordered that he be taken outside. Robinson set up his camera to take a picture. A student yelled, "Get the dirty photographer!" A fight started. "Somebody socked me," Porter recalled later. "I hit somebody else. What happened from there on is a puzzle except that I saw Johnnie standing with his back against a filing cabinet taking them as they came. A young fellow in knickers aimed one at my ear, I ducked and let him have it. Three more closed in. We all went down together between two desks." The next thing Porter knew he was looking up to see coach Al Gowans holding two of the students by the collar. "Beat it!" Gowans said, "and do it quick!" He pushed the students out of the room.

Eventually, forty minutes after they had been called, the police arrived. One report had it that they walked the distance from downtown Des Moines. They found the administration building a shambles — windows broken, filing cabinets torn open, their contents scattered on the floor, everywhere the stench of rotten eggs, and the sickening sight of hundreds of unhatched chickens strewn over the floor. The rioters were gradually dispersed, their pent up emotions released. Shields, Miss Rebman, and five other trustees emerged from their hiding place. Shields told Porter, "You

can say for me that Des Moines university is closed! There will be no lectures — no classes! It is to be placed under police protection!"<sup>90</sup>

The only place whose safety the police would guarantee was the police station. The board met briefly and formally ordered the school closed, after which they rode downtown in police cars. There in the city jail they drew up a letter to Wayman telling him of their decision to close the school because of absence of discipline and order among the student body. Shields spoke to the president over the phone, confirming the order. He then asked the police if they would protect him at his hotel. They said this was impossible. Shields, therefore, hurried to his room, packed his bags, and left on a late evening train, catching it at suburban Valley Junction in order to avoid the mob awaiting him at the downtown depot. The following day hundreds of his parishioners, who had spent much of Saturday evening praying for his safety, cheered him upon his return to Toronto.<sup>91</sup>

That students would support the faculty against the head of the board of trustees, force him to cower for the better part of an hour in a dark storeroom, and eventually drive him out of town was news, especially when a sex angle could be added to the story. Not only the tabloids gave full play to the sensational events, but more conservative papers, such as the *New York Times*, printed lengthy accounts. *The Times* of London published a brief dispatch from its New York correspondent under the heading, "Evolution in Iowa." The article told how the school, "which has become a storm centre of the controversy concerning Evolution," had been "the scene of serious disturbances." This reflected a common view that since Shields was a fundamentalist his opponents must be modernists. Shields himself encouraged this interpretation, calling the riots part of "a wide, wide conspiracy" laid with "devilish ingenuity" by modernist elements at the school who had resented the changes the Union had made when it first took over, "and they have been our enemies ever since."<sup>92</sup>

But modernist was a meaningless adjective if it was made to apply to men like Wayman, Pearson, and Bennett. Although Shields tried to blame his troubles on the old faculty, declaring that he should have known you could not put new wine in old bottles, he had as much or more difficulty getting along with the new men whom he had brought in. The riots were

<sup>90</sup> Des Moines Register, May 13, 1929.

<sup>91</sup> *Ibid.*, May 16, 1929, Apr. 9, 1955; *New York Times*, May 13, 1929; *Gospel Witness*, 8:1-2 (May 23, 1929); Byron W. Mann to author, Apr. 22, 1956.

<sup>92</sup> *The Times* (London), May 13, 1929; *New York Times*, May 13, 1929

apparently spontaneous expressions of the students' personalized anger and concern. If the rioters were striking a blow against obscurantism and a narrow theological viewpoint on campus, as the *Christian Century* and others believed, they were doing so only subconsciously. The actual events certainly reflected little credit upon any who were involved. The police, no doubt reflecting the city's sympathy for the students, were almost unbelievably slow to restore order, and they arrested no one. The faculty appears to have done little to restrain the students, witnesses even charging that some professors encouraged the riots. On Sunday morning the dean of men examined a few students, but reported he could find none who was responsible for the violence. No further action seems to have been taken; many tried to pass off the entire affair as part of the annual American collegiate spring madness. Others agreed with the *Des Moines Register*, however, that although the egg stains could be wiped off, "there are others that can not be effaced in years."<sup>93</sup>

On Sunday, Max Schimpf, who had remained in town, issued a statement explaining the trustees' action in closing the University. "Until such time as the board of trustees of Des Moines university receives some indication that their student body has experienced a change of mind from their rotten egg and broken glass state there would not seem to be any profit in continuing efforts to cultivate their minds." But out of a meeting at Wayman's house came a plan to circumvent the board's order. Early Monday morning Wayman announced to the students that the school was closed, but he told them to remain within his call. Six students had been sent downtown to apply for a friendly injunction from District Judge Frank S. Shankland forcing Wayman to re-open the school. After the students posted a \$1,000 bond, Shankland ordered the University to carry out its "advertised program" until June 4, when the school year ended. The order was read over the phone to Wayman, who then went out on the steps of the battered administration building and told a cheering crowd that classes would resume at once. Miss Rebman, who had wisely not appeared on campus, commented simply that "the injunction is a court order and will have to be obeyed."<sup>94</sup>

Callaway and Minor Stevens went to Buffalo to present the case of the

<sup>93</sup> "The Fundamentalist Fiasco," 672, 674; *Des Moines Register*, May 17, 1929; *Gospel Witness*, 8:6, 7, 14 (June 27, 1929); *The Times* (London), May 16, 1929.

<sup>94</sup> *Des Moines Register*, May 13, 14, 16, 1929.

students and faculty before the Bible Union. The outcome of the meeting was a foregone conclusion. When Callaway finally got the floor he was booed by the delegates, while Shields was frequently interrupted by cries of "Yes," and "Amen." Callaway declared that the trustees' actions would destroy the school's academic standing. Shields retorted that this was not the important consideration. "You can not conduct a Christian college if it is cribbed, cabined and confined in any such way," he exclaimed. "The spiritual qualifications of the professors must be the dominant thing." Finally Callaway walked off the platform, shouting, "I refuse to be brow-beaten or spit upon." Without audible dissent the delegates unqualifiedly endorsed the board's actions. They commended Miss Rebman "for her self-sacrificing and tireless efforts," and declared they could not adequately express how much they appreciated the work of their "heroic President."<sup>95</sup>

Shields was confident that once "the smoke of battle" settled most of the students would realize they had been misled. He and the other leaders sought to appear unconcerned about the school's future. The Union dispatched messages to the Des Moines mayor and Iowa's Governor asking for assurances that mob action would not be permitted to take place again. "Must we announce to the continent and to the world that security of life and property cannot be guaranteed in the capital city of the State of Iowa?" Apparently satisfied with the replies which were received, the trustees proceeded with plans to regain actual control of the University by granting a committee, consisting of Shields, Miss Rebman, Dr. O. W. Van Osdel of Grand Rapids, E. A. Roberts of Cleveland, and Rev. H. G. Hamilton of Austin, Minnesota, full powers to run the University until the annual board meeting in June.<sup>96</sup>

After Shields had prepared a massive defense of his actions which appeared in the May 23 issue of the *Gospel Witness*, copies of which were sent to every Baptist minister in the English-speaking world, the five-member committee arrived in Des Moines on May 27. It went to Wayman's office and told him he was no longer president. "You can't throw me out of my own office," Wayman protested. "Get out of here!" When Shields insisted that Wayman must leave, the latter called the police. Police Chief Henry A. Alber and three officers arrived but refused to do anything ex-

<sup>95</sup> *Gospel Witness*, 8:34-7 (May 23, 1929); *Waterloo Evening Courier*, May 13-15, 17, 1929; *New York Times*, May 17, 1929; *Des Moines Register*, May 14-18, 1929; *Baptist Record*, 30:16 (June 29, 1929).

<sup>96</sup> *Gospel Witness*, 8:35-7 (May 23, 1929); *Des Moines Register*, May 18, 1929.



cept prevent violence. Shields suggested that the committee might leave if Wayman was polite. "Get out!" Wayman ordered. "Ask us nicely," replied Shields. "Say 'Please.' " "All right, then," Wayman said. "Please — GET OUT!" The committee left, and the door was locked behind them.<sup>97</sup>

The committee then sought to get the temporary injunction dissolved. After the request was aired on May 29 and 31 before an overflow crowd, with special deputies present to avert trouble, Judge Shankland refused to lift his order, and the audience burst into applause. Counsel for the trustees then announced that the board would sign no diplomas nor approve any student credits until an investigation had determined who were responsible for the riots of May 11. Students who did not wish to wait until the guilty ones had been found could present any evidence they might have to show why the trustees should award them their degrees or credits.<sup>98</sup>

Ignoring this action, the Wayman forces hurriedly went ahead with plans for graduation on Monday, June 3. Saturday morning the printer delivered diplomas for the sixty graduates to the home of University business manager George Newcom. A short time later a man appeared and told Mrs. Newcom that he had been sent for the diplomas. She thought he was a student and gave them to him. Not until later was it discovered that he was an imposter sent by Shields to spirit away the diplomas in an effort to foil Wayman.<sup>99</sup>

Later in the day Shields and his colleagues and a mysterious "Mister X," who reportedly was Shields's bodyguard, suddenly disappeared from their Des Moines hotel, shortly after Shields received an anonymous letter, purportedly from the Polk County Ku Klux Klan, declaring that Klansmen were "watching every move you make." That night a cross was burned on the University campus. The Klan had been quite active in Iowa during the 1920's, but it is possible that these actions were the work of student pranksters, not the K. K. K. On Sunday, newsman Roy Porter discovered Shields, Miss Rebman, and Roberts hiding under assumed names in a hotel at nearby Grinnell. Newspapers had been tacked over the transom of the room in which the three were discovered while a blanket hung over the door to prevent anyone from peeping through cracks in the woodwork.<sup>100</sup>

<sup>97</sup> Des Moines *Register*, May 28, 1929; *Gospel Witness*, 8:1 (June 13, 1929).

<sup>98</sup> Des Moines *Register*, June 1, 1929; *Gospel Witness*, 8:2 (June 13, 1929).

<sup>99</sup> Des Moines *Register*, June 1, 2, 1929; *Gospel Witness*, 8:2-4 (June 13, 1929).

<sup>100</sup> Des Moines *Register*, June 2, 3, 1929.

Meanwhile, new diplomas were printed. They stated that the recipient was "admitted to the Degree of ——— by the Board of Trustees," and contained places for the signatures of the school president and the president and secretary of the board. Wayman signed for himself, although the trustees no longer recognized him as president, while the registrar signed for Miss Rebman and the appropriate deans signed on the line reserved for Shields. When asked for his view of this procedure, Judge Shankland gave his approval and told Wayman to go on with graduation. The diplomas were placed in the administration building, which students, some of them armed with baseball bats, guarded throughout Sunday night.<sup>101</sup> On Monday, June 3, commencement exercises went off without a hitch, as the sheriff and two deputies watched to see that no attempt was made to interfere with the court order, and the graduates received their "injunction diplomas," as they were popularly called.<sup>102</sup>

Thus the school year of 1928-1929 came to an end. Almost without exception the faculty and student body adamantly refused to return unless Shields and Miss Rebman were removed from authority. Wayman accepted a call from the First Baptist Church of Newport, Kentucky, while Fred Pearson received a church in Alabama. Callaway returned to Oregon to enter private pharmaceutical work. Dean Bennett in 1931 became president of Upper Iowa University. The other faculty members were soon scattered over the country either in teaching or business positions. Their chief remaining interest in Des Moines University was in the money which it owed them. Twenty-nine suits were filed against the trustees for unpaid salaries totaling nearly \$22,000. The same legal firm which had represented the students in the injunction proceedings secured payment of the claims in full.<sup>103</sup>

After commencement, Shields was able to assume active control of the University again, but it was a hollow triumph. Summer school was canceled in order that the trustees might have "ample time to find the kind of professors needed in a distinctly evangelical university." But classes were never to resume. On June 19 and 20 the board, at its annual meeting, attempted to get its hands firmly on the rudder, but the fact that only six

<sup>101</sup> *Ibid.*, June 3, 1929; *Gospel Witness*, 8:2-4 (June 13, 1929).

<sup>102</sup> *Baptist Record*, 30:5 (June 15, 1929); *Waterloo Evening Courier*, June 3, 1929; *Des Moines Register*, June 4, 1929.

<sup>103</sup> *Midland Schools*, 24:67 (October, 1929); *Des Moines Register*, June 6, Sept. 14, 1929.

trustees showed up suggests that the rest had had their fill of Des Moines. While ambitious plans were announced for the reorganization of the school, with Shields once more as acting president, the board declared that the "injunction diplomas" were invalid. A letter to graduates from Miss Rebman informed them of this decision. If they returned the diplomas the trustees would issue valid ones to those who had earned them. Although it was not so stated, diplomas were unlikely to be issued to any student whom the board felt was implicated in the May 11 riots. Interpreting parts of the letter as constituting a form of blackmail, the students' lawyers obtained a new injunction on July 5, in which Judge Shankland served notice on the board that any more letters such as Miss Rebman's or any further criticism or disparagement orally or in writing of the diplomas and credits granted under the protection of his earlier order would cause him to cite the board for contempt of court.<sup>104</sup>

Although Shields was still assuming a confident pose in the columns of the *Gospel Witness* in July, it was obvious by then that the fight was hopeless. At a meeting in Des Moines on August 7 the trustees decided to close the school for good. Shields declared that it was impossible to continue neglecting his church responsibilities, and apparently none of the other trustees wished to assume the monumental task of restoring faith in their ability to run the school, raising the necessary money, and finding a new faculty and student body. Shields probably lost what few friends he still had in Des Moines when he declared that one might as well try "to establish a distinctively evangelical university in Moscow" as to maintain one in a city where such decisions as Judge Shankland's were permitted and where there was not one sound, fundamentalist church.<sup>105</sup>

Thus Shields left Iowa, giving "a parting kick as he goes out the door and slams it behind him," as H. H. Sadler put it. Sadler felt the board's decision was dictated by a refusal to allow anyone but Shields to be in charge. "The school can still be operated," the editor argued, "and this sacrifice on the altar of selfishness is an outrage." His words were echoed by Wayman. "Des Moines university was the dream of my life and of the noble faculty working with me as well," he declared. "Des Moines univer-

<sup>104</sup> Iowa City Press-Citizen, June 4, 1929; Des Moines Register, June 20, July 2, 6, 1929; *Gospel Witness*, 8:1-4 (June 27, 1929).

<sup>105</sup> *Gospel Witness*, 8:5 (July 25, 1929); *ibid.*, 8:2-4 (Sept. 5, 1929); Des Moines Register, Sept. 3, 1929.

sity was wrecked. The innocent sometimes suffer but right will yet obtain."<sup>106</sup> For the first time in more than seventy-five years Iowa Baptists had no college which they could call their own.

Nevertheless, fundamentalism has remained an important force. Fundamentalist splinter groups are among the fastest growing American Protestant organizations.

<sup>106</sup> *Baptist Record*, 30:3 (Sept. 7, 1929); *Des Moines Register*, Sept. 4, 1929.



# THE GOVERNORS OF IOWA AS EDUCATIONAL LEADERS, 1838 to 1949

By Irving H. Hart\*

Throughout the entire period of Iowa history, the Governors, both of the territory and of the state, have by virtue of their high office exercised a potent influence upon public education. To the prestige inhering in the office itself some of the incumbents have added the zeal of the reformer and the prescience of the statesman. Some Governors have taken positions in support of the cause of public education far in advance of their day and have set goals which were reached only after the lapse of a considerable length of time; some of these goals have still to be reached. Other Governors have been followers rather than leaders, but have proved themselves true friends of education. A few have rendered lip service to the cause but have in reality not stood for its best interests.

*Robert Lucas, 1838-1841.* Robert Lucas, the first territorial Governor of Iowa, set a high standard for all of his successors in his message to the First Legislative Assembly (November 12, 1838) when he said: "There is no object to which I wish to call your attention more emphatically than to the subject of establishing at the commencement of our political existence a well digested system of common schools, and as a preparation toward effecting that important object I urge the necessity of provision by law for the organization of townships."<sup>1</sup> The Assembly followed the lead of the Governor only part of the way. It did enact a general school law, but it left the responsibility for organizing school districts to the county commissioners on petition of a majority of voters in any proposed district; it failed entirely to provide for township organization.<sup>2</sup>

\*Irving H. Hart is archivist at Iowa State Teachers College, Cedar Falls.

<sup>1</sup> Benjamin F. Shambaugh (ed.), *The Messages and Proclamations of the Governors of Iowa* (7 vols., Iowa City, 1903-1905), 1:9. To avoid repetition, all the quotations from the Governors' messages and proclamations, from Robert Lucas, 1838-1841, through Leslie M. Shaw, 1898-1902, are taken from these volumes and will not be individually footnoted. From Shaw's successor, A. B. Cummins, through the administration of Governor Robert Blue, the messages can be found in the *House Journals* of the years indicated.

<sup>2</sup> *Laws of Iowa, 1838-1839, 191.*

In his message in 1839, Governor Lucas renewed his recommendation for the organization of townships, and characterized the school act passed at the last session as "too limited to serve as a foundation." He recommended its revision and suggested that the school law of Michigan was worthy of attention. Provision was made by this Assembly for township organization, but the suggestion regarding the Michigan statute was accepted too literally by enacting it, practically verbatim, as the second Iowa general school law.<sup>3</sup>

*John Chambers, 1841-1845.* Of this second school law, Governor Chambers said, in a message in 1841, that the plan of public instruction had "but partially been put into operation," either "from defect in the law or from inattention on the part of the public." He called for its alteration or amendment and said that "No delay or neglect ought to be tolerated." The legislature took no positive action whatsoever regarding schools; instead, it took a backward step by abolishing the office of superintendent of public instruction.<sup>4</sup> The relatively ineffective law of 1840 remained on the statute books throughout the remainder of the territorial period.

*James Clarke, 1845-1846.* James Clarke, the third and last territorial Governor, in his final message (1846), devoted his attention to the school land problem. He reported a total of more than 1,400,000 acres in the grants made by Congress for educational purposes in Iowa, recommended additional laws for the protection of these lands, and questioned the wisdom of their immediate sale on the ground that these grants were intended for the whole people, not for individual townships, a point of view far in advance of his time.

*Ansel Briggs, 1846-1850.* The First General Assembly of the state enacted the third Iowa general school law, which placed the disposition of the school lands and the distribution of the school funds under the control of the new offices of superintendent of public instruction and county school fund commissioners.<sup>5</sup> Because the act had not been published as provided in the state constitution, the Iowa Supreme Court held it unconstitutional and declared all elections of school officers under it invalid.<sup>6</sup> This led Governor Briggs to call an extra session of the Assembly "to enact speedy measures for the support of the common schools."

<sup>3</sup> *Revised Statutes of Iowa, 1843*, p. 411.

<sup>4</sup> *Laws of Iowa, 1841-1842*, Chap. 108.

<sup>5</sup> *Ibid.*, 1846-1847, Chap. 99.

<sup>6</sup> *Calkins v. State*, 1 Iowa Reports (Greene), 68.

An act was passed by the extra session legalizing the act of 1847,<sup>7</sup> but little else was done to relieve a critical situation. This was made clear by Governor Briggs in a message in 1848 in which he referred to the existing school law as "exceedingly defective," stated that the amendment of this law or the substitution of another had been the "prominent cause" of calling the late extra session, and that the failure to do so was to be regretted as frustrating the earnest wishes of the people. In response to this challenge, the Assembly enacted a new general school law, the fourth for Iowa in eleven years. This law established the "rate system," by which the expense of hiring teachers, over and above the amount received from the apportionment of the interest on the state school fund, was to be met by collecting from each patron an amount of money proportionate to the number of pupils enrolled from each family.<sup>8</sup> This Assembly also provided for the establishment of state normal schools at Andrew, Oskaloosa, and Mount Pleasant, and for branches of the State University at Dubuque and Fairfield.<sup>9</sup>

In 1850 Governor Briggs expressed his deep concern for the newly established normal schools, saying that they "should receive the fostering care of the legislature." Any opposition to them, he believed, "would seem to arise from misapprehension of their objects. . . . As experience teaches that these schools are productive of much good, any measure adopted which will conduce to their permanent prosperity will meet with the approbation of the friends of education." No addition, however, was made by the Assembly to the original appropriation from University funds of \$500 annually for each such school. Even these meager appropriations were never paid, and the two schools at Andrew and Oskaloosa died for want of support.

With reference to the common schools, Governor Briggs expressed the hope that the system might be perfected, since there were still many "deficiencies which demand action." Nothing was done with regard to this recommendation, however.

*Stephen Hempstead, 1850-1854.* From Governor Hempstead, the General Assembly received in 1852 a recommendation for careful revision of the school laws, with an added plea for "free schools," in order that there might be placed "within reach of every child the opportunity for acquiring those indispensable elements of education which shall fit him for the en-

<sup>7</sup> *Laws of Iowa, 1848 (extra)*, Chap. 5.

<sup>8</sup> *Laws of Iowa, 1848-1849*, Chaps. 59, 80.

<sup>9</sup> *Ibid.*, Chap. 78.

lightened discharge of the civil and social duties to which he may be called." Two years later Hempstead said that the school laws were "complicated, inexplicit and contradictory," and that a greater number of school officers was employed than necessary, among them the school fund commissioners, whose duties could be performed by the county treasurers with less expense.

*James W. Grimes, 1854-1858.* This straight-from-the-shoulder message from retiring Governor Hempstead was a fitting prelude to that from the new Governor, James W. Grimes, who, in his inaugural address, gave ample evidence of the statesmanship that characterized his career from its beginning to its end in heroic tragedy fifteen years later. The period of the Grimes governorship is that of the first Iowa educational renaissance, to which no man contributed more than he. This was the period of the Horace Mann Commission and of the adoption of the second state constitution. No other Governor showed a greater interest in the total educational program; no other Governor gave more attention in his messages to the interests of education; and no other Governor is more quotable.

The inaugural address of Governor Grimes in 1854 is a state paper of unusual worth. In it he discussed "the foundations of the educational institutions of a new state." He held that government "reaches more vital interests than those of property"; that "its greatest object is to elevate and ennoble the citizen"; that "the safety and perpetuity of our republican institutions depend upon the diffusion of intelligence among the masses of the people"; that "the prevention of the evils of poverty and crime is much less expensive than the relief of the one or the punishment of the other"; and that therefore "every consideration of duty or policy impels us to sustain the common schools in the highest possible efficiency." Specifically, Governor Grimes recommended the free public school through the abolition of the rate system, the establishment of school libraries at public expense in every district as centers "around which within a few years would be gathered libraries accessible to all," and the use of the University fund for the establishment of a "school of applied science," "a practical scientific or polytechnic school."

The abolition of the rate system and the establishment of free public schools, open to all and supported by local taxation of property, were accomplished within the next four years. The idea of making the University a "scientific or polytechnic" school was embodied in the recommendations



of the Mann Commission, but failed to be enacted into law. The type of state institution envisaged by Grimes in 1854 became a reality later in the organization of the College of Agriculture and Mechanic Arts. The Governor's idea concerning the establishment of school libraries was to remain an ideal for a later generation to realize.

This was the period of the alleged mismanagement of state school funds by State Superintendent James D. Eads. In consequence, in 1856, Grimes recommended "entirely disconnecting the office of superintendent of public instruction from all control of school money and school lands." In an extra session, the superintendent of public instruction was prohibited from loaning any funds, except on order of the Assembly, but no general revision was made of the system of handling school funds and lands. Later, the act allowing the state superintendent to receive school funds was repealed, and their supervision was transferred to the state treasurer.<sup>10</sup>

The appointment of the Mann Commission to revise the school laws was made in 1856 by Governor Grimes, in compliance with an act passed on his recommendation.<sup>11</sup> The report of this commission was transmitted to the Assembly with a special message recommending the adoption of the system of public education suggested, as one embodying "the wisdom and experience of the best educationists in the country." No action on this report was taken at this session.

Another important phase of the education program, to the development of which Grimes made significant contributions, was the organization of the State University. As early as 1840, Congress had granted two townships of public lands in Iowa to be used in establishing a University. This act was confirmed by Congress in 1845, at which time five sections were added to the grant, to be used for the erection of public buildings, or as the legislature might direct.<sup>12</sup> These grants were a part of Iowa's dowry of statehood. The First General Assembly passed an act establishing and locating the University at Iowa City, providing that the University lands be disposed of in the same manner as the school lands and that the University fund be deposited with the state treasurer.<sup>13</sup> Little was done under this act other than to dispose of most of the University lands at relatively low prices.

<sup>10</sup> *Ibid.*, 1856 (extra), Chap. 50; *ibid.*, 1856-1857, Chaps. 1, 5.

<sup>11</sup> *Ibid.*, 1856 (extra), Chap. 31.

<sup>12</sup> 6 *U. S. Statutes at Large*, 810; 5 *ibid.*, 455.

<sup>13</sup> *Laws of Iowa, 1846-1847*, Chap. 125.

The University Act of 1847 had anticipated the transfer of the public buildings at Iowa City to the proposed institution, when the state capital should have been moved to a new location. The Assembly in 1855 designated Des Moines as the future capital. In a special message, Grimes recommended specific action providing for the surrender of the capitol building at Iowa City for University purposes. Legislation to this effect was enacted.

In a veto message in 1857, Grimes set forth a conviction regarding the University and the University fund, which was to be embodied in the state constitution. This veto was of a bill for the grant of \$5,000 from the University fund for the relief of the medical department of the University at Keokuk. This proposal Grimes regarded as "an unwarrantable diversion of this fund and a violation of the act of Congress granting the land from which this fund was derived." Calling attention to the amount of the annual net proceeds of this fund, as not exceeding \$12,000, "a sum barely adequate to support a respectable university," the Governor expressed disapproval of the "unwise attempt" to fritter away the University fund by establishing branches and normal schools to be supported from it. The veto was effective. Later in the same year, this problem was solved by a provision of the new state constitution, that "The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that Institution and no other."<sup>14</sup>

The new state constitution embodied a radical change in state control of public education through the creation of a Board of Education to which was committed "full power and authority to legislate and make all needful rules and regulations in relation to Common Schools and other educational institutions that are instituted to receive aid from the School and University fund of this State"; but with the qualifying provision that "all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly"; and that "at any time after 1863, the General Assembly shall have power to abolish or reorganize said Board of Education, and provide for the educational interest of the state in any other manner that to them shall seem best and proper."<sup>15</sup>

In his message as retiring Governor (1858), Grimes commented approvingly upon the educational provisions of the new constitution, called for the

<sup>14</sup> *Constitution of Iowa*, 1857, Art. IX, Part I, Sec. 11; Part II, Sec. 2.

<sup>15</sup> *Ibid.*, Art. IX, Part I.

transfer of supervision of school funds from the county school fund commissioners to the Board of Education, and for the enactment into law of the recommendations of the Mann Commission. He repeated his conviction that the rate system should be abolished, inasmuch as it was "based upon the idea that education is a personal benefit for which those who receive it should pay whilst the true theory is that it is a public benefit for which the public should pay."

The recommendations of the Mann Commission were in the main embodied in the fifth Iowa general school law, approved March 12, 1858.<sup>16</sup> Under this law, school elections were held in the spring of 1858, and it was on its way to being made effective when the friends of education were shocked by a decision of the Iowa Supreme Court that the act was unconstitutional. The grounds of this decision were that "the General Assembly possessed no primary power to pass laws for public instruction until the Board of Education was elected and organized."<sup>17</sup>

*Ralph P. Lowe, 1858-1860.* By the new state constitution, the term of office of the Governor had been reduced from four to two years. Ralph P. Lowe was elected to this office in 1858 and served only one term.

The Board of Education, immediately after its organization, legalized the elections, acts, and contracts held and made under the act of March 12, 1858, and enacted a new school law in December, 1859.<sup>18</sup> The most important school legislation enacted by the General Assembly in 1858 was the establishment of the State Agricultural College. The appropriation for this purpose was sufficient only to purchase a farm upon which the College was to be located, and it was six years before the institution actually came into being. By another act, the office of school fund commissioner was abolished, and the management of the funds and lands was placed in the hands of the county judge and the county treasurer.<sup>19</sup> Two years later, this responsibility was transferred to the county supervisors, while loans were to be made by the county clerks.<sup>20</sup>

Governor Lowe's message in 1860 dealt with the work of the Board of Education and particularly with the general school law adopted by the

<sup>16</sup> *Laws of Iowa, 1858*, Chap. 52.

<sup>17</sup> *District Township of Dubuque v. City of Dubuque*, 7 *Iowa Reports*, 262.

<sup>18</sup> *Journal, Board of Education*, 1st Sess., 33, 46.

<sup>19</sup> *Laws of Iowa, 1858*, Chaps. 91, 158.

<sup>20</sup> *Code of Iowa (revised) 1860*, 348.

Board in December, 1859. He recommended that only necessary changes be made in this law, a recommendation which was followed by the Assembly. He reported that the trustees had purchased a farm in Story County for the site of the Agricultural College. He discussed the handling of school funds and recommended that the counties be made corporately responsible for losses to the fund due to default by their citizens, either as officers or as borrowers. Nothing was done with this recommendation.

*Samuel J. Kirkwood, 1860-1864.* The four years of Samuel J. Kirkwood's governorship saw the beginning of the struggle between the North and the South and its progress through the decisive year of 1863. Naturally, the attention of both government and people was centered upon the war. The management of the public school system was, for this period, in the hands of the Board of Education. The Governor, in his messages, confined himself almost entirely to the perennial problem of school lands and the school fund. In both his inaugural message in 1860 and his retiring message in 1864, he discussed these matters, saying (in the latter) that the present system was a bad one; that the county clerks were not fitted to make judicious investments, and the money might be used to promote personal objects. He stated that there was a large amount of insufficiently secured principal and delinquent interest, recommended that the lending of these funds by county clerks be prohibited, and that the funds be invested by the state treasurer in stocks of the United States or of Iowa.

It is unfortunate that many members of the General Assemblies in the fifties, sixties, and early seventies did not have the vision and the unselfish interest in the welfare of the public schools which would induce them to follow the lead of the Governors of these years. There was no lack of inspired guidance.

*William M. Stone, 1864-1868.* Governor William M. Stone recommended in 1866 withdrawing the school fund entirely from the counties, making the state responsible for it, and using the money to redeem outstanding state bonds, thus "liquidating our indebtedness by transferring it to ourselves." Two years later, Stone renewed this suggestion, and called attention to the fact that the return of this fund to the state treasury had been urged by Governors Grimes, Lowe, and Kirkwood. "For reasons I am unable to understand these wholesome recommendations have been disregarded and this sacred fund has been permitted to float about the state under the precarious guardianship of county authorities. The principal has



already been diminished by over \$125,000. . . . Our imperfect discharge of this solemn trust is a dereliction of duty." These strong words, however, fell on deaf ears.

The agitation for abolishing the Board of Education came to a conclusion under Stone. As early as January, 1860, Governor Lowe had said, "The discontinuance of the Board of Education has been discussed in the public press. I question the expediency of such a measure at present." The constitution had authorized the Assembly to abolish or reorganize the Board at any time after 1863, but it had left in the Assembly's hands the fixing of the time and place of sessions after their first meeting in December, 1858. Taking advantage of this grant of power, the General Assembly in 1860 passed a bill for an act to postpone the next meeting of the Board to March, 1865. This bill was returned by Governor Kirkwood without approval, with a special message in which he held that such action would be too hazardous "in the present condition of our common school system."

There was not sufficient strength in the opposition to the Board at that time to enable the bill to be passed over this veto; but by 1864 the tide of opposition had grown so strong that Governor Stone invited attention to the expediency of abolishing this Board. He complimented the Board on its accomplishments, as having provided "the framework of our present admirable system of common schools, which needs but little attention to render it sufficiently comprehensive to meet the demands of educational interest for many years to come." In case of the abolishment of the Board, he noted the necessity of recreating the office of superintendent of public instruction. The Assembly had apparently been merely awaiting the strategic moment for such action, and an act was passed abolishing the Board of Education and providing for the election of a superintendent of public instruction.<sup>21</sup>

*Samuel Merrill, 1868-1872.* Consideration of the problem of handling the state school fund was again urged by Governor Samuel Merrill in 1870. He recommended the return of the school fund to the state treasury, the immediate withdrawal of all school lands from the market, and the fixing of a minimum price of \$6.00 an acre for the future. These recommendations were followed by the Assembly.<sup>22</sup> In 1872 the Governor went a step further by recommending that all losses to the school fund since 1846 be

<sup>21</sup> *Laws of Iowa, 1864, Chap. 52.*

<sup>22</sup> *Ibid.*, 1870, Chap. 29, Res. No. 1.

assumed by the state, since a tendency had become evident to interpret the provision of the state constitution making all losses to these funds a permanent debt against the state as applying only to losses incurred after 1857. Merrill reinforced his recommendations regarding the school fund by vetoing a bill proposing to excuse an Iowa county from responsibility to replace school funds stolen from its safe.

The Iowa State College of Agriculture and Mechanic Arts finally came into being in the administration of Governor Merrill. The passage by Congress in 1862 of the Morrill Act, granting to each state public lands for the endowment and support of a college of agriculture, made available 240,000 acres for Iowa.<sup>23</sup> The proceeds of the sale of these lands were to be maintained as a perpetual fund, the interest on which could be used for institutional support only, not for buildings. Attention had been called to this act by Governor Kirkwood in 1862. The Assembly formally accepted the grant, but did nothing further for the College at that time.<sup>24</sup> Governor Kirkwood again called attention in 1864 to the "rich endowment" of land, "five times as large as that for the university," and to the fact that, in order to secure this grant, funds must be provided to erect buildings and meet the current expenses of the institution. The Assembly transferred to the Agricultural College the five sections of land originally granted by Congress to Iowa to aid in the construction of public buildings.<sup>25</sup> With the money thus available, a building was begun on the site previously selected in Story County.

That this appropriation was quite inadequate is shown by the statement of Governor Stone in 1866: "The Act of Congress requires the state to provide a college within five years; if not, the lands revert to the United States. To lose this donation by neglect would reflect disgrace upon the state. . . . I recommend an appropriation for the completion of the building within the time fixed by the grant." The Assembly finally acted upon this recommendation and made an appropriation of \$91,000.<sup>26</sup> Iowa owes much to Governor Stone for his courageous insistence on the foundation of what has come to be one of the outstanding institutions of its kind in the entire country. The new institution opened its first session in October, 1868.

<sup>23</sup> 12 *U. S. Statutes at Large*, 503.

<sup>24</sup> *Laws of Iowa*, 1858, Chap. 26.

<sup>25</sup> *Ibid.*, 1864, Chap. 117; 5 *U. S. Statutes at Large*, 799.

<sup>26</sup> *Laws of Iowa*, 1866, Chap. 112.

*Cyrus C. Carpenter, 1872-1876.* The administration of Governor Cyrus C. Carpenter was marked by one positive gain and one definite loss to the interests of public education. The gain came through the enactment of a law making the counties responsible for the collection and payment of interest and losses to the school fund.<sup>27</sup> The Governor referred to this act in a message in 1874 as "one of the most salutary changes made for many years in the management of the school fund." This left the actual handling of these funds still with the county officers, but it established the principle of county responsibility. The loss to education in this administration resulted from a law authorizing the establishment of rural independent school districts.<sup>28</sup> In providing for this type of decentralization in district organization, the Assembly closed its ears to the advice of educational leaders from the time of Governor Lucas to their own day, and increased the undesirable features of the Iowa district system.

Governor Carpenter can neither be credited with the improvement in handling of school funds nor charged with the creation of rural independent districts, since both actions were taken within a few weeks after he came to occupy the executive chair. In his 1874 message, however, he deprecated the rural independent district law and said that he favored "simple township organization."

Provision by the state for the training of teachers was a matter upon which Governor Carpenter placed marked emphasis. In his inaugural address (1872), he said that the normal department at the University had accomplished much, but that facilities for larger results should be provided. "What is done depends on your wisdom and the condition of the treasury." Nothing was done.

In the matter of the support of the University, Governor Carpenter was far in advance of his day. In 1876 he said that the University should be enlarged beyond the income of the grant for its support; that when the grant was made it was supposed that it would be sufficient for all future wants, but that the land had been sold at too low a price and that the state should be bound to make good the conditions upon which the grant was accepted. To this end he suggested a special levy of 1/10 or 1/15 of a mill as a permanent fund for the University. This is the first suggestion of

<sup>27</sup> *Ibid.*, 1872, Chap. 34 (86).

<sup>28</sup> *Ibid.*, Chap. 73 (156).

a policy adopted later and followed for a number of years to the great advantage of the state institutions of learning.

*Samuel J. Kirkwood, 1876-1877.* In 1875 Samuel J. Kirkwood was re-elected Governor. In the legislative session immediately following, he was elected United States Senator, and he entered upon his new duties after having served only one year of his term. In his inaugural address in 1876 Kirkwood stressed the importance of the common school as a "potent means to make Americans of the children of immigrants," a problem already weighing heavily in the political and social scales. He also voiced the fear of "a purpose to divert the school fund from its legitimate object to the maintenance of private and sectarian schools and thus destroy the public school system." He hoped that this fear was groundless and that such a purpose, if entertained, would be abandoned; but he called this matter to the "grave consideration" of the Assembly.

The movement to provide for the expansion of the system of teacher training by the state culminated during this administration in the establishment at Cedar Falls of the Iowa State Normal School,<sup>29</sup> which began its work in September, 1876. State responsibility for the establishment of such a system had been recognized from the beginning of Iowa as a state, as is shown by the inclusion in the act of 1847, establishing the State University, of a provision for a professorship for the education of teachers, and the authorizing of free instruction in the theory and practice of teaching to fifty students each year, as soon as the revenues of the University should reach \$2,000 a year from state and federal sources.<sup>30</sup> The Mann Commission made no recommendation for the establishment of separate state normal schools. It proposed rather the establishment of a normal department in the State University, to be supplemented by county high schools, which were to be supported in part by the state "for training and educating young men to become teachers in the common schools." This plan was accepted and embodied in the school law of 1858.<sup>31</sup> The normal department of the University was opened in the fall of 1858. Several county high schools were organized under this act, but the Iowa Supreme Court in 1859 held this part of the act unconstitutional and not validated by the curative act of the Board of Education in December, 1858.<sup>32</sup>

<sup>29</sup> *Ibid.*, 1876, Chap. 129.

<sup>30</sup> *Ibid.*, 1846-1847, Chap. 125.

<sup>31</sup> *Ibid.*, 1858, Chap. 52.

<sup>32</sup> *High School of Clayton County v. Clayton County*, 9 *Iowa Reports*, 175.



Governor Stone, in a message in 1866, questioned whether the normal department in the University was adequate to meet the need for trained teachers, and he earnestly invited attention to the importance of establishing a special school for this exclusive purpose, as suggested by State Superintendent Oran Faville. This suggestion was repeated by Superintendent D. F. Wells and was endorsed again by Stone in 1868. This pattern was repeated in 1870 with the recommendation of Superintendent A. S. Kissell and its endorsement by Governor Samuel Merrill, who recommended using the buildings of the soldiers' orphans' homes at Glenwood and Cedar Falls for the purposes of normal instruction, retaining the home at Davenport for its designed use.

The new building for the orphans' home at Cedar Falls was then less than one year old, and it was full to capacity. This year, however, saw the first reduction in the number of soldiers' orphans for whom the state had assumed responsibility. Governor Merrill was looking ahead to the time when three such homes would not be needed. So far as the records show, his was the first suggestion for such future use of these buildings.

The act authorizing the utilization of the buildings and grounds of the soldiers' orphans' home at Cedar Falls for a state normal school was passed with an appropriation of \$14,500 to support the new institution for the biennium,<sup>33</sup> but the Assembly neglected to select members of the board of directors as provided in the law. The law might still have become a dead letter had not Governor Kirkwood taken it upon himself to appoint a full board.

*Joshua G. Newbold, 1877-1878.* J. G. Newbold, who succeeded to the governorship, reported Kirkwood's action to the General Assembly in 1878 and urged that further steps be taken to enlarge the facilities and capacity of the normal school. He endorsed the recommendation of State Superintendent C. W. von Coelln for the creation of a state board of educational examiners, and for free textbooks. Newbold also called attention to "the looseness, not to use a stronger term, in the financial management of the school districts" and to von Coelln's recommendation that the number of school treasurers be limited to one to each township. He deprecated the needless expense arising from the increase in the number of school districts.

*John H. Gear, 1878-1882.* The period of the administration of Governor John H. Gear was one comparatively lacking in significant educational leg-

<sup>33</sup> *Laws of Iowa, 1876, Chap. 129.*

isolation. In his inaugural address (1878), he suggested the enactment of a compulsory education law and provision for the permanent support of the State University. He laid continued emphasis on the necessity for improving the system of public school finance. In his message in 1880 he said that deficiencies and defalcations of school treasurers from 1873 to 1879 had amounted to \$491,518.51, and that it would be better to abolish the office and place the school money in the hands of the county treasurers. No legislative action was taken.

Governor Gear was the first to suggest a reduction in the number of boards for the control of the eleemosynary and the educational institutions of the state, saying that there were at that time nine such boards, and suggested that the eleemosynary institutions should be placed under a board of control and the State Normal School under the regents of the State University. This suggestion was to bear fruit more than twenty years later. In 1882 Gear repeated his school finance recommendation, saying that the system was "not entitled to any large degree of confidence," and that "this matter demands your attention." It did not receive such attention.

*Buren R. Sherman, 1882-1886.* From the point of view of advanced legislation, public education in Iowa drifted in the doldrums for the four years following 1882. Only one important piece of school legislation was enacted, the creation in 1882 of a state board of educational examiners to supervise the issuance of state teachers certificates and in general "to encourage training in the art of teaching."<sup>34</sup>

The subject of chief educational interest to Governor Buren R. Sherman was that of school textbooks. In 1884 he recommended state adoption and publication of textbooks, saying that this plan would save hundreds of thousands of dollars. This idea seems to have been the Governor's own. In his final message in 1886, Sherman noted that the proposition for the state to become its own editor and publisher of textbooks had not been adopted by the General Assembly, although the idea "had been discussed at every fireside"; that the superintendent of public instruction favored free textbooks; and that, if the latter plan were the better, it should be adopted. In his report for 1883-1885, State Superintendent J. W. Akers had characterized as "unwise and prejudicial to education" any plan for enforced state uniformity of textbooks, and had said further that textbooks should be free, in harmony with free schoolhouses and free instruction. He called

<sup>34</sup> *Ibid.*, 1882, Chap. 167.

upon the state to "make the schools free in fact as they are now in theory."<sup>35</sup> Governor Sherman added his influence also to the growing demand for more permanent provision for the financing of the State University, recommending in 1886 a levy not exceeding  $\frac{1}{8}$  mill annually for this purpose.

*William Larrabee, 1886-1890.* The year 1886 brought to the Governor's chair in Iowa another dramatic personality, who ranks with Grimes and Kirkwood among Iowa's great political leaders. Larrabee said, in his inaugural address (1886), that "the adoption of a compulsory education law is imperatively demanded and should no longer be delayed"; that "teachers should by law be required to instruct their pupils in the injurious effects of the use of alcohol and narcotics"; that the State Normal School should be given hearty support, the Agricultural College "should not be allowed to deteriorate either in tone or usefulness," and that adequate appropriations should be made for extending the sphere of action of the State University.

This was the period of successful agitation for the prohibition of the manufacture and sale of alcoholic beverages in Iowa, a movement to which Larrabee gave effective leadership. His recommendation as to the teaching of the harmful effects of alcohol and narcotics was enacted into law.<sup>36</sup> The repeated recommendations by the Governors for the enactment of a compulsory education law led this Assembly to go so far as to request the superintendent of public instruction to make an exhaustive study of such laws in other states and report to the next General Assembly.<sup>37</sup> This was done by Superintendent Akers in his biennial report for 1885-1887.

Larrabee in 1888 commended this report on compulsory education as worthy of "thoughtful attention and judicious action." "The last census," he said, "showed that Iowa had the lowest percentage of illiteracy in the Union. We may not retain this advanced position unless decisive steps are taken to bring into the schools a much larger percentage of children. Compulsory education is not an untried experiment. I recommend the passage of a suitable law."

Governor Larrabee, in his final message (1890), referred approvingly to the observance in the schools of the new law requiring instruction in the effects of stimulants and narcotics, and he endorsed the recommendation of

<sup>35</sup> *Iowa School Report, 1883-1885.*

<sup>36</sup> *Laws of Iowa, 1886, Chap. 1.*

<sup>37</sup> *House Journal, 1886, 148, 480.*

Superintendent Henry Sabin for more careful supervision of rural district schools. He also recommended legislation prohibiting nepotism in the employment of teachers, requiring county superintendents to inspect the books of school treasurers, prohibiting school officers from being involved in school contracts, and making it the duty of school boards to supply free textbooks to all pupils.

*Horace Boies, 1890-1894.* The general election of 1889 resulted in a political upheaval which brought the Democratic party to power in Iowa for the first time since the 1850's. Horace Boies, Governor from 1890 to 1894, proved to be a leader worthy to rank among the great executives of the state. In his administration an act was passed providing for uniformity of textbooks for rural schools on vote of the electors of any county, and creating county boards of education (consisting of the county superintendent, the county auditor, and the county supervisors) to select textbooks after an affirmative vote for county uniformity.<sup>38</sup> Boies's greatest contribution to public education, however, was his successful establishment of the principle of permanent support for all the state institutions of higher learning. Such a policy had been recommended by Governors Merrill, Carpenter, Newbold, Gear, and Larrabee, and by Boies in 1890.

The state legislatures had not entirely ignored these repeated recommendations but had responded in 1878 by an appropriation of \$20,000 for the support of the State University, to be paid "annually hereafter."<sup>39</sup> A similar small appropriation had been made for the State Agricultural College in 1880, and for the State Normal School in 1890.<sup>40</sup> In 1892 Boies expanded his earlier recommendation, saying that the revenues of the schools supported by the state "should be made reasonably certain. They should not be required to beg from year to year for subsistence." As a result, beginning with 1896, appropriations for current support, payable "annually hereafter," continued to be made for all three institutions until 1924.

Continuity of funds for building purposes for the state colleges was likewise assured by the adoption of the policy of millage levies for periods of five years; for the State University alone in 1896, and for all three institutions in 1902. Such millage levies were twice renewed for five-year periods in 1906 and 1911. In 1915 the millage levy act was repealed, and provision

<sup>38</sup> *Laws of Iowa, 1890*, Chap. 24.

<sup>39</sup> *Ibid.*, 1878, Chap. 76.

<sup>40</sup> *Ibid.*, 1880, Chap. 67; *ibid.*, 1890, Chap. 79.



was made for the levy of special taxes on real property in specified amounts biennially for building purposes in the state educational institutions. The adoption of the state budget act in 1924 operated to repeal all continuing appropriations,<sup>41</sup> and since that date both support and building funds for these institutions have been provided on the biennial basis.

*Frank D. Jackson, 1894-1896.* No reference whatsoever to public education was made by Governor Frank D. Jackson in his inaugural address in 1894, and the then current General Assembly gave comparatively little attention to schools. It did, however, make it possible for school boards to furnish free textbooks to "indigent children."<sup>42</sup>

In his message in 1896 Jackson, noting that many graduates of the State Agricultural College found their way into the public schools as teachers, suggested "the establishment of a chair intended to instruct them." He endorsed the recommendations of Superintendent Sabin for raising the qualifications of teachers, for making free textbooks mandatory, and for the enactment of a compulsory education law.

*Francis M. Drake, 1896-1898.* Francis M. Drake, in his inaugural address in 1896, set for Iowa the ideal of a system of education from the kindergarten to the University, "open to all and adequate for all," since "The keynote of Iowa's future is education." In this year, a law was finally placed upon the statute books providing that textbooks might be furnished to pupils without cost on petition of one-third the number of voters in the last district election.<sup>43</sup>

Governor Drake's one term ended in 1898, at which time he struck a note of undue complacency when he said, "It seems that the entire school law may remain unchanged for years to come without detriment." He complimented retiring Superintendent Sabin for his "long and useful incumbency of that high office," and commended his current report as worthy of attention in all its recommendations. The Governor's assumption that Iowa had reached its educational millenium was probably based upon the fact that the General Assembly in 1896, in adopting a new code for the state, found reason to make only minor revisions of the school laws. With reference to higher education, Drake reminded the Assembly of "the right-

<sup>41</sup> *Ibid.*, 1896, Chap. 114; *ibid.*, 1902, Chap. 117; *ibid.*, 1906, Chap. 183; *ibid.*, 1911, Chap. 201; *ibid.*, 1915, Chap. 248; *ibid.*, 1923-1924 (extra), Chap. 4.

<sup>42</sup> *Ibid.*, 1894, Chap. 34.

<sup>43</sup> *Ibid.*, 1896, Chap. 37.

ful demand" of the University, "this summit of our common school system," to "the liberality of the state"; recommended a chair of pedagogy for the Agricultural College; and suggested that while "more normal schools are needed . . . this is impractical for some time to come." He said that the State Normal School was "growing in popularity and usefulness" and "is deserving of liberal fostering care."

*Leslie M. Shaw, 1898-1902.* Leslie M. Shaw came to the governorship with the background of a country banker and without any previous political experience. Few Governors of Iowa, however, have more adequately represented the best thinking of the people of the state in their days. In his three messages to the General Assemblies, he devoted such attention to the problems of public education as to entitle him to rank as a leader in this field. He said, in his inaugural address in 1898, that the state had made no provision of means to enable the country pupil to close the "ever widening gap between the rural school and the college"; thus foreshadowing the need for legislation providing for the payment of high school tuition for rural pupils. He called attention in 1900 to the experiment already "tried in several counties of maintaining a central township school to and from which pupils are conveyed in carriages at public expense," and suggested that "encouraging legislation should be enacted looking toward the establishment of graded schools within easy access of every farm in Iowa." In his final message (1902), Governor Shaw elaborated his recommendation for central township schools, and further said, "If to this could be added provision for the employment of a county superintendent at an adequate salary to be chosen in the same manner as a city superintendent and with analogous duties and responsibilities, it would revolutionize the school system for good."

*Albert B. Cummins, 1902-1908.* The retirement of Governor Shaw brought to the fore another of the outstanding men who have honored the office of chief executive of Iowa, Albert B. Cummins. His inaugural address in 1902 recalls the spirit of James W. Grimes in the words, "Property must have its protection, but men and women are worth more than property."

The General Assembly responded favorably to the new Governor's endorsement of Shaw's recommendations and passed acts raising the compensation of county superintendents and requiring compulsory education. This

brought to an end the long campaign to extend the benefits of education to all the children of the state.<sup>44</sup>

Cummins' address at the beginning of his second term (1904) was also imbued with the spirit of his outstanding predecessors. The General Assembly, however, enacted no school laws of particular moment, but they did take a significant forward step in the provision by resolution for the appointment of a joint committee of the two houses to investigate the advisability of a change in the system of management of the state institutions of higher education. The General Assembly in 1906 made gains through the enactment of laws raising the qualifications of county superintendents, providing for the issuance by the state of uniform county teachers certificates, and authorizing the establishment of consolidated school districts.<sup>45</sup>

Governor Cummins was re-elected for a third term in 1906. Under a constitutional amendment ratified in 1904, the terms of incumbent elective officers had been extended one year, so Cummins would have served to 1909 had he not resigned to take a seat in the United States Senate. He was succeeded by Lieutenant Governor Warren Garst.

A number of minor changes in the school laws were made in 1907, but the most important act was the authorization of the appointment of a commission to revise and codify the school laws.<sup>46</sup> The chairman of this commission was F. E. Bolton, head of the College of Education in the State University.

*Warren Garst, 1908-1909.* In his message, Governor Garst devoted attention chiefly to the report of the Bolton Commission without committing himself further than to say that codification along the lines suggested by the commission was essential.

*Beryl F. Carroll, 1909-1913.* The election of 1908 resulted in the choice of B. F. Carroll as Governor. In his inaugural address he referred briefly to the Bolton Commission report: "Its importance requires your best thought and attention. The fact that some radical changes are proposed should neither condemn it nor commend it."

The proposals of the Commission did involve radical changes. They included the dissolving of all school corporations, except town and city independent districts; and the substitution of the county unit with a county

<sup>44</sup> *Ibid.*, 1902, Chaps. 124, 128.

<sup>45</sup> *Ibid.*, 1904, Joint Res. No. 7; *ibid.*, 1906, Chaps. 122, 141.

<sup>46</sup> *Ibid.*, 1907, Chap. 222.

board of education, which was to have charge of all rural schools, elect the county superintendent, employ all teachers, and organize township, union, or consolidated schools when authorized to do so by the electors. Two constitutional amendments were proposed: one, to place the public school system of the state under a state board of education, to be appointed or elected, who were to be paid good salaries and devote full time to their work, with power to appoint the superintendent of public instruction; and, second, to provide that money from the state for the support of schools should be distributed according to need rather than to school population.<sup>47</sup>

The report of this Commission had been completed so late that it was impossible to give it wide distribution before the meeting of the legislature. It was unfavorably received by the press and the people in many parts of the state. As State Superintendent John F. Riggs said in his 1910 report, "A measure to be approved by the people must be understood by them."<sup>48</sup> The proposed school code was not recommended for passage in either house and "died in committee." Its chief fault was that all the proposals were included in one exceedingly bulky bill. Had the main proposals been presented in separate bills, they might have received more consideration.

The 1909 General Assembly, however, was not entirely barren of educational legislation. In particular, they created a state board of education, appointive by the Governor, to have control of the state institutions of higher learning; and they authorized the change of the name of the State Normal School to the State Teachers College.<sup>49</sup>

To the General Assembly in 1911, Governor Carroll urged the necessity of giving the school problem more than usual attention. This Assembly responded by establishing a system of normal training in high schools. It also took an important forward step, along lines originally suggested by Governor Shaw, in providing for the payment of high school tuition for pupils from non-high school districts.<sup>50</sup>

The Thirty-fifth General Assembly (1913) passed more than thirty acts relating to public education, among which were acts: (1) reorganizing and enlarging the department of public instruction, making the office of state superintendent appointive by the Governor for a term of four years, in-

<sup>47</sup> *Report of Education Commission, 1908.*

<sup>48</sup> *Iowa School Report, 1910.*

<sup>49</sup> *Laws of Iowa, 1909, Chaps. 170, 171.*

<sup>50</sup> *Ibid., 1911, Chaps. 131, 146.*



creasing the salary to \$4,000, and adding inspectors of rural, graded, and high schools to the staff; (2) providing for the election of the county superintendent for a three-year term by a convention of county school officers, and increasing the salary, powers, and duties of this officer; (3) substituting a one-day inspirational institute, to be held while schools were generally in session, for the former six-day normal institute held during the summer vacation, and requiring all teachers in school systems employing less than twenty-five teachers to attend without loss of salary; (4) requiring twelve weeks of normal training in an approved institution of all candidates for uniform county certificates; (5) establishing a minimum wage for teachers; and (6) providing state aid for consolidated schools.<sup>51</sup>

These and other acts comprise a record of educational achievement unequalled by any other legislature in Iowa. This did not come about by chance. It was rather the culmination of long years of leadership and agitation by Governors, state superintendents, county and local superintendents, teachers, and professional organizations. Most of all it came about as the result of the demands of an intelligent, informed, and aroused public.

Credit for the initiation of the movement which accounts for the occurrence of this educational renaissance just at this time must be given to the Iowa State Teachers Association, under the leadership of its president, Fred L. Mahannah, and to State Superintendent Albert M. Deyoe. The Association appropriated \$2,000 to finance the work of an educational commission, composed of representative citizens of Iowa, to be appointed by Deyoe. This commission was to make a study of rural schools and rural life in Iowa, prepare a program of school legislation for the next General Assembly, and arouse state-wide interest in the betterment of schools.<sup>52</sup>

Thus came into being the Better Iowa Schools Commission of 1912-1913. The Commission was set up with a membership of twenty-two persons, almost equally divided between educators and laymen from all parts of the state. They labored long and earnestly, and prepared a comprehensive and forward-looking report, which was printed and given wide circulation well in advance of the meeting of the legislature. The nature of their recommendations is indicated in the record of enactments given above, for most

<sup>51</sup> *Ibid.*, 1913, Chaps. 103, 107, 225, 243, 249.

<sup>52</sup> *Proceedings, Iowa State Teachers Association, 1911.*

of their recommendations became laws. They were wise enough to embody their proposals in separate bills, thus insuring detailed and careful consideration and eliminating the danger of having opposition to individual propositions affect the fate of others. The success of their program was due in no small part to the work of their legislative committee, which consisted of Ex-Governor Warren Garst, Chairman, State Senators Byron W. Newberry and John Hammill, Representatives Arthur Springer and J. B. Sullivan, and Bernard Murphy, a prominent newspaperman.<sup>53</sup>

*George W. Clarke, 1913-1917.* Superintendent Deyoe had foreshadowed the results of the work of the Commission in his biennial report in 1912.<sup>54</sup> Governor Carroll endorsed Deyoe's recommendations in his final message in January, 1913, and Governor Clarke seconded his predecessor's attitude in his inaugural address in the same year. But all these were "still, small voices," almost lost in the grand chorus of endorsements from the people "back home." No wonder the legislature listened.

It became Governor Clarke's duty to appoint a superintendent of public instruction for a four-year term, beginning July 1, 1915. His choice of the incumbent superintendent, A. M. Deyoe, was a thoroughly defensible one; but it gave the opponents of the new legislation a basis for criticism which they eagerly adopted. The charge was made that the whole intent of the new program had been to continue Deyoe in office with increased salary and power.

It is unfortunate that the words of Governor Cummins had been forgotten: "It is to be feared that we have been so well contented with the laurels already won that we have forgotten that eternal vigilance is the price of other things than liberty." The forces of reaction were rallying. The work of the Thirty-fifth General Assembly was violently assailed by these forces all over the state. Some of its members were defeated for reelection. That Governor Clarke was fully aware of this trend is evident in his message in 1915, in which he said that time would vindicate the wisdom of providing that the state superintendency and "through it the schools of Iowa" should not be made "the football of politics," and also vindicate the courage of the members of the legislature "who laid down their political lives for the people." Clarke followed this with a defense of the "violently condemned" Thirty-fifth. The friends of education in the Assembly in

<sup>53</sup> *Iowa School Report, 1914.*

<sup>54</sup> *Ibid.*, 1912.

1915, however, were able to do little more than to hold the ground already gained. Reaction set in in earnest with the next administration.

*William L. Harding, 1917-1921.* Governor Harding's single educational recommendation in his inaugural address was that military training be introduced into the schools. The General Assembly in 1917 showed a reactionary tendency by putting the office of superintendent of public instruction back into politics, making it once more elective on a partisan basis. This Assembly also revised the statutes relating to the formation of consolidated districts.<sup>55</sup> Of this particular revision, Deyoe said in his 1918 report, "Recent legislation has practically stopped the consolidation movement."<sup>56</sup>

State Superintendent Deyoe continued to set advanced goals for public education, but Governor Harding, in his 1919 message, limited himself to recommendations that all instruction below high school should be in the English language only, and that teachers' salaries should be increased. This Assembly enacted several school laws, but none of them on recommendation of the Governor, except that of requiring the use of the English language as the medium of instruction in all schools, public and private.<sup>57</sup>

Harding's final message (1921) contained considerably more material on education than his previous messages. In it, he recommended establishing three additional state normal schools, saying, "This legislature ought not to adjourn without launching this program." He also recommended hiring teachers for twelve months, with twelve months' pay; authorizing teacher contracts for more than one year; increasing the compensation of county superintendents; and requiring American citizenship of candidates for certification. The Assembly passed laws raising county superintendents' salaries and requiring the teaching of the Constitution of the United States and of Iowa in all public and private schools.<sup>58</sup>

The return to the system of political election of the state superintendent brought into this office P. E. McClenahan, 1919-1923, and May E. Francis, 1923-1927. Public education in Iowa made no significant gains during these administrations.

*Nathan E. Kendall, 1921-1925.* Governor "Nate" Kendall evinced an active interest in the schools, but his messages, while they contain many

<sup>55</sup> *Laws of Iowa, 1917*, Chaps. 318, 432.

<sup>56</sup> *Iowa School Report, 1918.*

<sup>57</sup> *Laws of Iowa, 1919*, Chap. 198.

<sup>58</sup> *Ibid.*, 1921, Chaps. 91, 112.

complimentary references to education, did not offer definite suggestions for its betterment. In his message in 1923 he noted that, "Within the biennium, we have compelled more than national attention. Iowa City dispatched eleven unconquered athletes to humble the haughty partisans of old Eli with the first midwestern touchdown ever inflicted upon that ancient and honorable academy." The Governor complimented Cedar Falls for its "preeminence" and "the superb service of its venerable president," and said that "more buildings, more apparatus, more faculty, more dormitories are absolutely indispensable. There is no alternative. We cannot retreat without reaction; we cannot suspend without stagnation; we can but advance to our obvious and unescapable duty."

The record of the 1923 legislative session on education is notable only for the enactment of a statute requiring the teaching of health and physical education in all public and teacher training schools, an action enforced by the support of a number of lay organizations. Governor Kendall's chief claim to be remembered in connection with school legislation rests upon his veto of a bill passed by this Assembly providing for the extension of state aid to private schools and colleges engaged in elementary teacher training.<sup>59</sup>

*John Hammill, 1925-1931.* Governor John Hammill gave evidence during his administration of attitudes and convictions gained from his experience as a member of the Better Iowa Schools Commission. In his inaugural address in 1925, he called for a solution of the tax problem "without detriment to the efficiency of the schools"; for the divorce of the office of superintendent of public instruction from political influence; and for the elimination by the State Board of Education of all avoidable duplication in the work of the state institutions.

To these suggestions and recommendations, the Assembly paid no attention, except to direct the State Board of Education to provide for the elimination of all unnecessary duplication in the work of the state colleges, "both in the course of study and in other work."<sup>60</sup> Governor Hammill reported the compliance of the Board with this resolution, in his 1927 message, and struck a positive note in his evaluation of these institutions. Hammill referred to public education as continuing to be a matter of major concern, but he made only two recommendations: the abolition of the teacher placement bureau in the department of public instruction, as "op-

<sup>59</sup> *Ibid.*, 1923, Chaps. 64, 68.

<sup>60</sup> *Ibid.*, 1925, Chap. 281.



posed to good public practice"; and the close examination of all appropriations for state aid, with the elimination of those not being spent to secure the best results. The latter recommendation was taken to refer to standard rural school aid, the one point of school policy most enthusiastically advocated by State Superintendent May Francis.

In 1929, John Hammill was elected to a third term. In both his biennial message and his inaugural address this year, he continued to display qualities of educational leadership. In the former, he repeated the recommendation for doing away with the office of school district treasurer, and in the latter he discussed taxation as a means of equalization of educational opportunity, saying, "The organization for purposes of administration of a school unit should include taxing valuation sufficient to establish this equality of opportunity. . . . Anything less than the attainment of this end is selfish and foolish economy."

Once again, the state of Iowa was fortunate in having a conjunction of educational leadership in both the offices of Governor and superintendent of public instruction. Agnes Samuelson was elected to the latter position in 1926, and for the following twelve years she performed the duties of the office with exceptional efficiency and vision, in spite of the fact that these years included those of the depression.

In his final message (1931), Hammill suggested an equalization fund, derived from "taxes on cosmetics, tobacco, soft drinks, gum and other non-essentials," to be distributed to schools on the basis of need and effort. As to teacher qualifications, he said that the next step should be advancement to two years of normal training above high school. These ideas became, by force of circumstances, ideals unrealizable in the immediate future.

*Dan W. Turner, 1931-1933.* Governor Dan W. Turner said in his inaugural address (1931) that many localities had set up more elaborate programs than their financial abilities justified, and he called for a conscientious scrutiny of school costs. The wave of economic depression had at last reached Iowa, and the schools were called upon to bear more than their fair share of the efforts for retrenchment. Turner served but one term, going down to defeat in the Democratic landslide of 1932. He failed during his administration to evince an active interest in the welfare of the schools. His only reference, even indirectly, to public education in his final message (1933) was a recommendation of a further mandatory tax reduction law.

Such a measure was passed in 1931 (the Elliott Bill) requiring all school districts to reduce their levies for the coming biennium to a level not to exceed 95 per cent of the 1930 levy.<sup>61</sup>

Governor Turner's attention, so far as education in general was concerned, was chiefly directed to an attack upon the State University and the State Board of Education. On his recommendation, a legislative investigation of the financial management of the University was undertaken, which revealed nothing which would justify the time and money expended upon it. Critics of the Governor charged him with attempting to bring political influence to bear upon the State Board of Education. With the change of administration in the state, the controversy ended. The Governor, however, had the last word, saying in his final message (1933), "The business methods of the university have been the cause of grave concern to all thoughtful citizens and new plans should be devised to eliminate extravagance and encourage sound business administration in this great institution."

*Clyde L. Herring, 1933-1937.* The period of Democratic party dominance in the state government of Iowa continued from 1933 to 1939, including the depression years. Economic problems forced themselves upon the attention of everyone. It is possible now, looking back upon these years, to derive satisfaction from the change in the tax structure of the state brought about through the adoption of the "three tax plan," and the consequent transfer from real property to other forms of wealth a part of the responsibility of public finance.<sup>62</sup>

Governor Herring opened his inaugural address (1933) by saying, "We are met in one of the darkest hours of our history. Corn is selling at 12 cents a bushel, oats at 8 cents, hogs at 2 cents and cattle at 4 cents a pound." At the end of his first term, he could say, "Two years ago I came before you at a time when the tide of adversity was running high; when our country had fallen on evil days; when men of courage had all but lost hope. Today the sun is shining again and hope and confidence fill the hearts and souls of men." He expressed, in his first inaugural address (1933), appreciation for the splendid manner in which the schools had met the emergency in both its social and educational aspects. His recommendation that a state planning board be organized and that education be one of

<sup>61</sup> *Ibid.*, 1931, Chap. 244.

<sup>62</sup> *Ibid.*, 1933-1934 (extra), Chap. 32.

the main features of its program was effected by statute and procedure.<sup>63</sup>

The public school program had been carried on, thanks to the loyal and untiring efforts of administrators and teachers, in spite of the Beatty-Bennett Act of 1933, making mandatory reduction in tax levies in all school districts to 20 per cent of those of 1930.<sup>64</sup> To this measure, which was opposed by practically all of the educational leaders and organizations of the state, Herring is said to have thrown his personal support at a strategic moment in the consideration of the bill, and its passage was attributed by many to this action on his part.

*Nelson G. Kraschel, 1937-1939.* Governor Kraschel, in his two messages, gave a considerable amount of attention to public education and its problems. In his 1937 message, he suggested "a careful study by a proper tribunal" of "the exact obligation that the people of Iowa want to assume for the education of their youth," as preliminary to changes in the financing of the educational system. He suggested also divorcing the school system from politics by making the superintendent of public instruction appointive "by the State Board of Education or by some other nonpartisan body." In 1939 Kraschel called upon the state "to reverse the trend of destructive and false economy" in support of the state institutions of higher education which had characterized the recent past. This was done with a degree of moderation.

The twelve years from 1927 to 1939 were those of the educational administration of Agnes Samuelson as state superintendent, and of the political administrations of Governors Hammill, Turner, Herring, and Kraschel. The Assemblies in 1927 and 1929 accepted the progressive educational leadership of Hammill and Samuelson, which was ably reinforced by an active State Teachers Association. In these two sessions, acts were passed providing for the establishment of public junior colleges, making the organization of kindergartens mandatory on petition of a prescribed number of parents, authorizing the establishment of tuition-free evening schools, calling for a survey of the educational needs of handicapped children, and making high school graduation the minimum basis for teacher certification.<sup>65</sup>

The year 1931 ushered in a period of reaction. The recommendation of Governor Turner for forced economy in school expenditures was acceded

<sup>63</sup> *Ibid.*, 1937, Chap. 235.

<sup>64</sup> *Ibid.*, 1933, Chap. 123.

<sup>65</sup> *Ibid.*, 1927, Chaps. 86, 90, 91; *ibid.*, 1929, Chaps. 96, 114.

to by passing the Elliott Bill and the Beatty-Bennett Bill, by reducing the teachers' minimum wage to \$40 a month, and by making the organization of kindergartens permissive rather than mandatory. The one positive educational gain in 1933 was the enactment of a new certification law, which set a new standard of two years of college preparation for state teachers certificates. This act also recognized administration and supervision by providing new types of certificates for these services.<sup>66</sup>

In the legislative sessions of 1937 and 1939 few important school acts were passed, but a large number of existing school laws were revised, clarified, and harmonized through the influence and efforts of Fred L. Mahannah, Deputy State Superintendent.

*George A. Wilson, 1939-1943.* Governor Wilson came to the chief executive's office of Iowa with a record of efficient service in the state legislature, where he had been accounted a firm friend of the public schools. His inaugural address (1939) gave promise of his continued interest in public education. He said, "It is not enough to say that our state had the least percentage of illiteracy and then blind ourselves to the problems needing attention. Improvement in the financing of our schools and the welfare of teachers and pupils should no longer be delayed." In his message in 1941 he made no reference to public education.

Three forward steps in the improvement of schools were taken by the 1941 Assembly: the passage of a foundational law for the education of handicapped children, and of a school library law authorizing the apportionment of the entire proceeds of the interest on the permanent school fund to be expended for the purchase of library books for the public schools, the realization of the dream of Governor Grimes almost ninety years earlier. Provision was also made for a school code commission, consisting of four members appointed by the Governor, with the state superintendent as ex officio chairman.<sup>67</sup> The members of this commission were: Mrs. S. E. Lincoln, J. Kendall Lynes, J. A. Anderson, Floyd E. Page, and Jessie M. Parker, Chairman.

*Bourke B. Hickenlooper, 1943-1945.* Governor Hickenlooper, in his inaugural address, said that he was making some general suggestions, rather than "a complete and detailed program of legislation." He recommended careful study of the report of the educational commission.

<sup>66</sup> *Ibid.*, 1933, Chaps. 51, 56, 65.

<sup>67</sup> *Ibid.*, 1941, Chaps. 32, 152, 163.



This commission failed to profit by the experience of the Bolton Commission of 1907, and presented the entire codification and revision in one bill.<sup>68</sup> The bill failed of passage. A joint resolution was adopted by the 1943 Assembly setting forth their reasons for not taking action on the proposals of the commission, and providing for the appointment of another commission to make further study of the matter. It was said in this resolution that, since time had not been available for the study of this "voluminous" bill by either the legislature or the public, another commission should be created to give particular attention to the tax structure of the state, as it concerned the school system, and to complete their report with drafts of proposed bills by November 10, 1944.<sup>69</sup>

The personnel of the new commission of 1943-1944 included four legislators — Senators G. W. Hunt and Robert Keir, Representatives A. L. Doud and B. D. Moyle — and three lay members — Mrs. Raymond Sayre of the Farm Bureau, H. K. Peterson, attorney, and N. D. McCombs, a city superintendent of schools.

State Superintendent Jessie M. Parker, in her report for 1944, accounted for the failure of action on the report of the 1943 commission by saying, "The legislature which received the report was engrossed with war responsibilities and not inclined to act in school matters." She hoped that the new commission might induce the General Assembly to solve such problems as "state support for public education, reorganization into larger districts, state aid for transportation, and the gradual raising of teacher qualifications."<sup>70</sup>

Hickenlooper was elected to the United States Senate in 1944, and in his message as retiring Governor he referred to the school code commission as having recommended some twenty bills for consideration. He spoke of the report as "a capable job" and recommended it for "thorough study and enactment of such legislation as in your judgment may be constructive."

*Robert D. Blue, 1945-1949.* Governor Blue, in 1945, urged that the school code report "ought to receive early and careful consideration." In 1947 he endorsed making the state superintendency appointive, reducing the number of rural schools and high schools, and recommended an optional county unit bill.

<sup>68</sup> *Report of School Code Commission, 1944.*

<sup>69</sup> *Laws of Iowa, 1943, Chap. 314.*

<sup>70</sup> *Iowa School Report, 1944.*

Of the bills recommended by the commission, ten were enacted into law in 1945 and three in 1947. Among the proposals not approved were those for the reorganization of the department of public instruction, adult education, and kindergartens. Among the bills enacted into law were ones dealing with state support, retirement, reorganization of school districts, certification of teachers, minimum wage, handicapped children, and with the creation of a county school system along lines originally suggested by Governor Shaw.<sup>71</sup>

The passage of these acts in 1945 and 1947 constitutes, on the whole, the most significant advance in public education in Iowa made since 1913, and justifies calling this the period of the third Iowa educational renaissance. Credit for these accomplishments must be given to the members of the two school code commissions of 1943 and 1944, to educational leaders, official and unofficial, to lay and professional organizations, and to the ardent friends of education in the two houses of the state legislature. Much remained to be done and much was to be accomplished in the years immediately following 1947, the point at which this survey ends. The improvement of public education through legislation has come to be accepted as a matter of supreme importance.

<sup>71</sup> *Laws of Iowa, 1945*, Chaps. 91, 126, 128, 131, 134, 135; *ibid.*, 1947, 147, 150, 152.

## FORT DODGE AND THE DES MOINES VALLEY RAILROAD

*By Mildred Throne\**

Iowa's railroad fever in the late 1860's overshadowed all other interests, even politics. Four east-west lines and one north-south road had begun construction in the mid-1850's: the Burlington & Missouri River at Burlington; the Mississippi & Missouri at Davenport; the Chicago, Iowa & Nebraska at Clinton; the Dubuque & Pacific at Dubuque; and the Keokuk, Fort Des Moines & Minnesota (later rechristened the Des Moines Valley) at Keokuk. Whereas the four east-west roads were all heading for the Missouri River, the Keokuk road was building up the valley of the Des Moines River in a northwesterly direction, through the center of the state.

The four east-west roads had been given shares in the first Iowa railroad land grant in 1856. The Des Moines Valley grant had been provided by the state from the lands granted in 1846 for the improvement of the Des Moines River. The Civil War had stopped construction on the roads for four years, but, with the war over, all resumed building as rapidly as possible.

Every town on the proposed lines watched and waited "for the cars"; all fought for a place on the rails; and the roads were ready to be wooed, for a price. Should towns not contribute rights-of-way, depot sites, and sufficient cash, surveyors could very easily bring them to terms by threatening to build around them. Every town had its own story: the fight to get the Des Moines Valley to build into Fort Dodge in Webster County is only one of the many struggles going on in Iowa during these years.

Railroad excitement ran high in Fort Dodge by 1866. To the east, the Dubuque & Sioux City (originally the Dubuque & Pacific) had reached Iowa Falls by April 16, where it seemed temporarily bogged down by what Benjamin F. Gue, editor of the Fort Dodge *North West*, called a "desperate struggle" between the Illinois Central and John I. Blair for control of the road.<sup>1</sup> That this road would come through Fort Dodge, when and if its

\*Mildred Throne is associate editor of the State Historical Society of Iowa.

<sup>1</sup>Fort Dodge *North West*, Jan. 23, 1867; Carlton J. Corliss, *Main Line of Mid-America, The Story of the Illinois Central* (New York, 1950), 149.

financial troubles were resolved, was certain, but Fort Dodgers were impatient. To the southward the Des Moines Valley had reached Des Moines on August 29.<sup>2</sup> If this road lived up to its name and continued to build along the river, it would of necessity pass through Fort Dodge. Prospects for both an east-west and a north-south line were therefore promising, but too many towns had not given the proper financial encouragement to prospective railroads and had found themselves bypassed. Such must not be the fate of Fort Dodge, warned Gue.

Two courses of action were open to Fort Dodgers in order to insure the north-south line. The citizens could build a railroad south to the rapidly progressing east-west North Western (the original Chicago, Iowa & Nebraska) at Boone, or they could spend their money to encourage the Des Moines Valley to speed its tracks northward through Fort Dodge. The town toyed with both ideas. In the fall of 1866, when it had seemed that the Dubuque & Sioux City was more interested in building a branch north from Iowa Falls than in pushing west to Fort Dodge, a local company had been formed to build a road south to Boone.<sup>3</sup> This "paper" road had been named the Upper Des Moines Valley Railroad.

On the board of this proposed road were two Fort Dodge men who played big roles in the fight with the Des Moines Valley — John F. Duncombe and Cyrus C. Carpenter. Duncombe, a leading financier, whose railroad interests were wide and whose close connection with the Dubuque & Pacific was well known, had divided loyalties. Carpenter, a professional politician, was at this time Register of the State Land Office and was soon to be Governor of Iowa. He was a Republican, and Duncombe was a Democrat, and thus they were bitter political rivals. But where politics divided neighbors, railroads brought them together, and the two men worked side by side in the interests of Fort Dodge and her railroads. Editor Benjamin F. Gue, another Fort Dodger in the forefront of the fight, joined Duncombe and Carpenter to make up the "Big Three" in the ensuing controversy with the Des Moines Valley.

The crux of the whole matter was simply that Fort Dodge wanted a railroad. Prospects and promises were good, but results were lacking. While the Dubuque & Sioux City dallied, the Des Moines Valley sent surveyors

<sup>2</sup> Dwight L. Agnew, "Beginnings of the Rock Island Lines, 1851-1870" (Ph.D. thesis, State University of Iowa, 1947), 282.

<sup>3</sup> Fort Dodge *North West*, Sept. 5, Oct. 3, 31, 1866.



north to tempt and tantalize the various towns and villages of the Des Moines valley. Whether the Fort Dodge threats of forming an independent company had any influence in speeding the surveys north of Des Moines is not known, but Fort Dodge's paper railroad may have been drawn up for just this purpose. In December of 1866, while Fort Dodge was busily holding meetings to organize the Upper Des Moines Valley Railroad Company, Charles Pomeroy, soon to be elected to Congress as the Representative from Iowa's Sixth District, of which Fort Dodge was the center, received a letter from General Hugh T. Reid, one of the officials of the Des Moines Valley. Reid advised him that the company had completed plans to continue the road up the west side of the Des Moines River. Fort Dodge, on the east side of the Des Moines, would have preferred the road there, but they were willing to settle for the west side so long as they got their railroad. Reid further advised Pomeroy that the railroad would survey a line to Fort Dodge provided the citizens of that town contributed \$300. Such demands were the accepted practice, and Editor Gue did not hesitate to sponsor a drive for funds. "Will any property owner hesitate a moment?" he asked. "A subscription paper will be prepared at once, and if we are to have the Valley Road at Fort Dodge, we have no time to lose."<sup>4</sup>

The Upper Des Moines road was at once forgotten, and railroad meetings were called, committees appointed, resolutions passed, and subscription papers circulated — all in the interests of the Des Moines Valley. Carpenter was one of the committee appointed to "make an examination of the approaches to Fort Dodge." He was also selected, along with Gue, C. R. Richards, Pomeroy, and Theo. Hawley, to confer with the railroad officials.<sup>5</sup> In January of 1867, D. W. Kilbourne, president of the Valley Road, wrote to a friend in Fort Dodge, assuring him that the line would be completed in eighteen months.<sup>6</sup> Fort Dodge rejoiced.

Through the spring and early summer months, the people of the Des Moines valley waited. At last, on July 13, Chief Engineer J. M. Otley informed Gue, Pomeroy, "and others" in a terse note that he would begin his survey on July 15, that he would reach Fort Dodge in about two weeks, and that he would expect to receive "the necessary funds" upon arrival. To insure the collection of the money for the survey, Gue reminded his readers of what had happened to Boonsboro, where the \$400 demanded by

<sup>4</sup> *Ibid.*, Dec. 12, 1866.

<sup>5</sup> *Ibid.*, Dec. 19, 1866.

<sup>6</sup> *Ibid.*, Jan. 23, 1867.

the railroad had not been forthcoming: "Otley promptly left them and run [sic] his line just east of Montana, leaving Boonsboro out farther than the North Western did." Take warning, Gue advised Fort Dodge, and "have the money ready by Saturday."<sup>7</sup>

That the Des Moines Valley surveyors were running their lines some miles west of the Des Moines River, a route not directly "up the Valley of the Des Moines" as the land grant had specified, did not disturb people in 1867. Later, when it became evident that the railroad was not going to send its main line through Fort Dodge, but was putting it six miles west across the river, planning to serve Fort Dodge by a spur or the use of the tracks of the Iowa Falls & Sioux City (the western branch of the Dubuque & Sioux City), Gue and Carpenter entered into a whole-souled verbal battle with the corporation. The quarrel did not change the route of the railroad, but it did leave bad feelings that helped pave the way for considerable antimonopoly, anticorporation, and antirailroad sentiment later. And Carpenter, who led the fight, was Governor of the state when the stringent "Granger Law" was passed in 1874.

In 1867, however, Fort Dodge still hoped to convince the Des Moines Valley to come into the town on the east side of the river. Why they should expect this, when the entire survey was being made on the west side, is a mystery. Perhaps, in their innocence of railroad tactics and their strong desire for a railroad, they thought they could influence the decisions of the company. Eastern Iowa cities, where railroads were already established, could have disabused them of this belief. As time passed, and no iron was laid on the projected route, and when the demands of the railroaders became more peremptory, the people of the Des Moines valley began to realize that in spite of land grants and local aid, the railroaders would have the last word.

The session of the Iowa General Assembly of 1868 made several efforts to bring the railroads to submission. The lands originally granted to the Dubuque & Pacific were resumed and regranted to the Iowa Falls & Sioux City, a company organized by Platt Smith of Dubuque and John I. Blair of New Jersey in October of 1867.<sup>8</sup> Into this act a proviso was incor-

<sup>7</sup> *Ibid.*, July 24, 31, 1867.

<sup>8</sup> *Laws of Iowa, 1868*, Chaps. 26, 124; Corliss, *Main Line of Mid-America*, 153. These two lines, the Dubuque & Sioux City, which had built as far as Iowa Falls, and the Iowa Falls & Sioux City, which reached the latter city in 1870, were later combined into the present Illinois Central Railroad in Iowa.

porated: "The company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for transportation of freight and passengers as may from time to time be enacted by the General Assembly of the State of Iowa."<sup>9</sup> This was the "Doud Amendment," introduced by Elias Doud of Van Buren County and accepted by the legislature by an almost unanimous vote. Efforts in this and previous legislatures to regulate freight and passenger rates on railroads had repeatedly failed, but the legislators were not averse to stating their power to pass such regulations, even though they did not at that time choose to use it.<sup>10</sup> The fact that the bill passed with only a handful of dissenting votes made it look as though Iowa lawmakers were ready to "lay down the law" to the railroad corporations.

The railroads had naturally combined to fight regulatory legislation, or even the threat of it. Des Moines was full of lobbyists — "the buzzards of the General Assembly," according to a Democratic member of the House, Lysander W. Babbitt of Council Bluffs. The lobbyists put up a good fight against the Doud Amendment but without success. Their activities thoroughly angered Babbitt, who was editor of the Council Bluffs *Bugle*. On one railroad bill his patience wore so thin that he introduced an amendment:

*And be it further enacted, That railroad companies in this State are hereby authorized and empowered to take all the property both personal and real of the people of this State for their own use and benefit, it being understood that the construction of railroads within the State is a just compensation therefor.*<sup>11</sup>

Babbitt admitted that his amendment was made "in sport," but added that even so, "the proposition . . . would barely satisfy the grasping avarice of the railroad companies." When the Doud Amendment passed, Babbitt was pleased, although he believed that "there are not over ten men in the Legislature, who would be in favor of exercising the power at this time." John I. Blair was not so sure of this, and it was rumored he was on his way to Des Moines to make "some astounding declarations in regard to the action of the Legislature." "From what I can learn," Babbitt concluded, "Mr. Blair and other railroad men are laboring under the delusive

<sup>9</sup> *Laws of Iowa, 1868*, 66-7, 167.

<sup>10</sup> Earl S. Beard, "The Background of State Railroad Regulation in Iowa," *IOWA JOURNAL OF HISTORY*, 51:21-2 (January, 1953).

<sup>11</sup> *House Journal, 1868*, 422.

belief that they own the State of Iowa, and that the members of the Legislature are mere tools in their hands to carry out their schemes.”<sup>12</sup> That the members of the General Assembly stood up to the lobbies and to Blair in 1868, however, is evidence that the railroads did not yet “own the State of Iowa” and that there was a growing discontent with the dictatorial methods of the corporations.

The Des Moines Valley road also came in for its share of punishment during this session of the Assembly. No progress had been made on the road, and people were tired of paying for railroads and getting nothing for their money. Timed to coincide with a campaign against the Des Moines Valley was the revival of the almost defunct Upper Des Moines Valley Railroad at a meeting at Montana (now Boone) in Boone County. Gue was elected president of the proposed road, and resolutions were passed urging the legislature to resume the lands granted to the Des Moines Valley and turn them over to a company that would build the road as planned. “If the Legislature adjourns without resuming and regranteeing the Valley lands,” Gue warned, “it requires no prophet to foretell that we shall have no Railroad.” The roads should not be permitted “to levy contributions on the towns or counties through which they pass,” he continued, “but be absolutely required to so locate the depots as will best accommodate the people, towns and cities along the route. The people have paid dearly enough already for the building of these roads, and they now have a right to demand protection from any exorbitant demands from railroad companies.”<sup>13</sup>

Rumors that the Des Moines Valley officers were going to “sell out” to the Pennsylvania Railroad, “which now has a complete line from Philadelphia to Keokuk in this State,” helped to spur Fort Dodge to action. If the Pennsylvania bought the Des Moines Valley, Gue warned, the road would be continued west from Des Moines to join the Union Pacific at Council Bluffs, thus leaving Fort Dodge and northwestern Iowa “out in the cold.” Do not let these “cormorant corporations” cheat us out of our railroads, urged Gue.<sup>14</sup>

Success now seemed to crown these efforts of the people of the Upper Des Moines valley. Their representative in the Assembly, Jackson Orr,

<sup>12</sup> Council Bluffs *Bugle*, Apr. 2, 1868.

<sup>13</sup> Fort Dodge *North West*, Feb. 12, 1868.

<sup>14</sup> *Ibid.*, Feb. 5, 12, 1868.



introduced a bill calling for the resumption of the lands originally granted for the Des Moines Valley Railroad. The resulting bill did not actually resume the lands; rather it regranted them to the same road, but with certain stipulations spelled out. Whereas the original grant to the Keokuk, Fort Des Moines & Minnesota in 1858 had required the road to be built "up the Valley of the Des Moines River," the new act specified that the grant was "to aid in the construction of a railroad from the city of Keokuk up and along the valley of the Des Moines river by the way of the city of Des Moines to the northern line of the State"; furthermore, the road should be built "into the town of Fort Dodge."<sup>15</sup> That a bitter squabble would result over the meaning of the "valley" of the Des Moines River was naturally not foreseen at the time. To the people of Boone, Webster, and Humboldt counties, the "valley" meant just that, since the river flowed through their territory; to the railroad, "valley" assumed a much wider interpretation. This led to an acrimonious exchange of letters between the Des Moines Valley officers and Carpenter, who spoke for his neighbors, but in the spring of 1868 this was in the future. When the General Assembly adjourned, the members had reason to feel that they had successfully defied the power of the railroads.

This feeling did not last long. While an uneasy peace existed for a time between Fort Dodge and the Des Moines Valley, trouble appeared from another direction. The Doud Amendment had been incorporated into all railroad legislation passed during the session, including that relating to the Iowa Falls & Sioux City. The roads seemed willing to accept, more or less gracefully, stipulations regarding routes and time limits for building, in return for potentially profitable land grants, but when it came to the threat of regulation of their right to charge what the traffic would bear, they rebelled. Blair's trump card, of course, was a threat to stop all work on the Iowa Falls & Sioux City unless the Doud Amendment were repealed. As much as he wanted the land grant, he refused to accept it with the string of state regulation attached. The Fort Dodgers, most immediately affected by this action, promptly forgot about "cormorant corporations." "Dubuque papers say that work is to be stopped at once on their Road," wrote Gue, "and that nothing more will be done until the absurd tariff restriction is removed. At a large meeting of our citizens held at the Court House last night, action was taken to do all in our power for the removal of the re-

<sup>15</sup> *Laws of Iowa, 1858, Chap. 99; 1868, Chap. 57.*

striction which is so seriously embarrassing Rail Road building in Northwestern Iowa.”<sup>16</sup> A dozen or so leading men of northwestern Iowa, including Carpenter and Gue, circulated a petition urging the Governor to call an extra session of the legislature to repeal the offending amendment.<sup>17</sup> Thus quickly did the railroads reassert their influence. But Governor Samuel Merrill, not sure that an extra session would kill the amendment, refused to comply with their request. The whole thing actually proved a tempest in a teapot. Blair, faced with a stubborn state administration, gave in early in 1869 and accepted the terms of the land grant.<sup>18</sup>

That this was not accomplished without some private understanding is suggested in a letter to Carpenter from John F. Duncombe, whose many interests included those of the Illinois Central and its subsidiaries, the Dubuque & Sioux City and the Iowa Falls & Sioux City. Carpenter’s “faithful labors in this enterprise” had been appreciated, Duncombe assured him; now there was something else he could do. Blair was ready to give in on the question of the amendment, but he was having trouble convincing the directors of the Illinois Central. Duncombe’s letter, written in February, 1869, gives a good insight into the behind-the-scenes operations of the roads and their backers:

I am . . . urging Mr Blair to accept the Land Grant. This he would do, if the Ill Cenl would take it. Last week Mr [John M.] Douglas Pres. Ill Cenl promised me to use his influence with their Board of Directors to get them to agree to take the road if our Co. should accept the Grant. Now I will tell you what would help in the matter. If you would get Gov. Merrill to ask OConner [sic. Henry O’Connor] Atty Genl his opinion, as to whether any R R Co accepting under that tariff restriction under our constitution requiring . . . “all laws of a general nature to have a uniform operation” could be in any manner interfered with unless the law was made general and of uniform operation as to all RRs in the state. Now if you can get the Gov. to ask this question of OConner as atty Genl, get his opinion as it doubtless will be, that no special law can be made, that will not apply to all RR, we will have one other good trump in our game. I would want the

<sup>16</sup> Fort Dodge *North West*, June 10, 1868.

<sup>17</sup> Copy of petition, dated Aug. 27, 1868, and signed by S. T. Davis, A. R. Appleton, and D. T. Hedges of Sioux City; C. C. Carpenter, Theo. Hawley, and B. F. Gue of Fort Dodge; and L. L. Hunter and W. C. Willson of Webster City, is in the *Cyrus Clay Carpenter Papers* (State Historical Society of Iowa, Iowa City).

<sup>18</sup> Beard, “Background of State Railroad Regulation in Iowa,” 23.

opinion for Blair's use in getting all O. K. and would like to have you explain to the Gov. the object and have him explain to OConner. OConner expressed to me a willingness to do all he could for us, and I know the Gov. would help us if he could. . . . A letter from other state officers to Mr Blair as favorable as they could make them sent to me, in relation to the state ever dealing unjustly or impartially toward any particular road would help.<sup>19</sup>

Attorney General Henry O'Connor had already published an opinion during the 1868 session of the legislature, upholding the power of the state to regulate the railroads within its borders, but concluding with the advice that it would be best to "hesitate long and deliberate carefully" before using that power. "Railroads have done much to make us what we are as a State," he continued, "and the disposition of the people should be, as I believe it is, to foster and encourage, not to oppress them."<sup>20</sup> Such was the tightrope which public officials walked. Privately many were on the side of the railroads; publicly, when popular opinion demanded, they tried to keep a close rein on the corporations, but they hastened to assure the roads that the rein of the Doud Amendment was a threat and not a promise. Gue did his share in reassuring "the Blair Company . . . that no Legislature will ever attempt to actually regulate the rates on this line of road, and leave the North Western free to fix its own rates." Any such attempt to "enact a special law to cripple or regulate a particular railroad, would not for one moment stand the ordeal of our Courts," he added. Rumors that the North Western was making a "formidable and determined effort" to gain control of the Dubuque & Sioux City had helped to spur Blair and the Illinois Central people into an acceptance of the conditions of the land grant.<sup>21</sup>

Meanwhile, another argument between the people of the "valley of the Des Moines" and the directors of the Des Moines Valley Railroad was in the making. The General Assembly in 1868 had voted to allow towns and counties to give aid to railroads through the voting of a tax of 5 per cent of the value of their taxable property,<sup>22</sup> and townships immediately began

<sup>19</sup> Duncombe to Carpenter, Feb. 2, 1869, *Carpenter Papers*.

<sup>20</sup> [Henry O'Connor], *Opinion of the Attorney General of the Power of the Legislature to Regulate Tariffs on Railroads in the State of Iowa* . . . (Des Moines, 1868), 13.

<sup>21</sup> Fort Dodge *North West*, Feb. 25, 1869.

<sup>22</sup> Earl S. Beard, "Local Aid to Railroads in Iowa," *IOWA JOURNAL OF HISTORY*, 50: 24 (January, 1952); *Laws of Iowa, 1868*, Chap. 48.

providing this aid through special elections. From fighting the Valley Road, the citizens of the valley had turned once more to wooing it.

At Fort Dodge a meeting drew up resolutions, promising a 5 per cent tax to the Des Moines Valley, providing the road would "within ninety days after such levy, permanently and definitely locate the line of their road from the city of Des Moines to Fort Dodge, crossing the Des Moines river to the east side at such point as the Company may select, and locating a depot on said east side at such accessible point within the limits of said town of Fort Dodge as will best accommodate the interests of said town." Furthermore, half of the tax was to be applied to the depot and grounds, the other half to building the roadbed through the township. This seemed a reasonable request to Fort Dodge. After all, they were supplying the money—surely they should have some voice in the way it was spent. When the board of the railroad turned down the proposition as one "they could not intelligently enter into," Fort Dodgers received some inkling of future troubles.<sup>23</sup>

The pendulum of public opinion at once swung in the other direction. Fort Dodge's township—Wahkonsah—put on the ballot for the October election a provision for a 5 per cent tax in favor of the Iowa Falls & Sioux City only. No doubt the wily Duncombe had a hand in this. He made elaborate promises to the voters: the Iowa Falls & Sioux City, he said, would build the depot on the grounds chosen by Fort Dodge, using one quarter of the tax for that purpose; they would use the money only in extending the road to Fort Dodge and spend all of it within the township; in lieu of some of the money, they would accept labor and material as part-payment; and they would not ask for any of the funds until the iron was laid into Fort Dodge. Also, they promised that the rails would reach Fort Dodge by November 1, 1869, or the tax would be forfeited. The fact that at this very time Blair was refusing to do any further work on the road until the obnoxious Doud Amendment was repealed seems to make these glowing promises illusory, but the voters ignored the contradiction and voted, 213 to 130, in favor of a tax for the railroad.<sup>24</sup>

The Des Moines Valley naturally opposed a tax which favored only the east-west road. William Leighton of the Keokuk firm of Kilbourne, Leighton & Company, the lessees of the road, insisted that the tax should be

<sup>23</sup> Fort Dodge *North West*, Aug. 12, 1868.

<sup>24</sup> Letter quoted in *ibid.*, Oct. 22, 1868.



divided between the two roads. If this were done, he assured Fort Dodge in October of 1868, "the Valley Road will be running cars into the city of Fort Dodge by 1st December *next year*." A Mr. McCrea of the road visited Fort Dodge in October with more promises. If the township gave the road "liberal aid," he suggested, they would have "cars running into Fort Dodge by the *last of December, 1869*." If not, he warned, "the company will be disposed to take all the time allowed them by law." The Valley Road, he claimed, had just succeeded in raising \$2,000,000 in the East and was ready to resume construction.<sup>25</sup> The contradiction in this statement with the story put out by the roads that the Doud Amendment would prevent Eastern capital from investing in Iowa roads does not seem to have occurred to Gue, in whose paper McCrea's statement appeared.

The transition from defiance to promises and then to threats by the Des Moines Valley must have been confusing to the voters and taxpayers of Webster County. In August, 1868, the directors of the road had refused offers of aid because of the requirements tied to them; by October, officials of the road were both promising and threatening, in an effort to obtain such aid. Surely this changing attitude played its part in the growing distrust of railroads during the late sixties and early seventies.

While Fort Dodge argued and haggled with the Des Moines Valley, the Iowa Falls & Sioux City was hard at work. On a Saturday in May, 1869, Mrs. Cyrus C. Carpenter stood for hours by the newly-laid tracks. "But we watched & waited in vain," she wrote her husband, "& as the sun began to sink low in the west, I started home to get my supper, & just as I took my seat at the table I heard a fine, loud snort & whistle, & I knew 'The Year of Jubilee' had come to Ft. Dodge."<sup>26</sup>

Happy with one railroad, Fort Dodge seems to have signed a truce with the Des Moines Valley in the early months of 1869. Gue praised the road at every turn — it was "a splendid line of road"; in fact, quoting the *Des Moines Register*, it was "one of the greatest lines on the continent." Gue also reassured the alarmists who began objecting to the proposed location of the road west of Fort Dodge. "We had a long conference while at Des Moines, with the officers of the Road," he wrote, "and they declare without any hesitation, that the road will be built into Fort Dodge in good faith,

<sup>25</sup> Leighton letter from printed circular in *Carpenter Papers*; also quoted in Fort Dodge *North West*, Oct. 22, 1868. McCrea promises in article in *ibid.*, Oct. 29, 1868.

<sup>26</sup> Mrs. Carpenter to Carpenter, May 23, 1869, *Carpenter Papers*.

and that work will be crowded next season with great energy." In February the question of local taxes in aid of the roads had been resolved by the state supreme court's decision that the law was unconstitutional. This was only a temporary halt to the granting of local aid, however, for the 1870 legislature passed a slightly different act that proved acceptable to the supreme court.<sup>27</sup>

Hostilities resumed between Fort Dodge and the Valley Road in the fall of 1869, when it at last became evident that the Des Moines Valley intended to build its main line six miles west of Fort Dodge. Governor Merrill had even intervened in the interests of Fort Dodge, but with no success. In October he advised Carpenter that everything possible would be done "to secure the Road as originally intended," but he held out little hope. A hurried call for a meeting at Fort Dodge resulted in a resolution by a committee consisting of Gue, Carpenter, and several others that the town was "ready to render any reasonable amount of material assistance which said company might ask," and that the committee was authorized "to offer any reasonable sum . . . to induce them to build said road into the town of Fort Dodge in accordance with the spirit of the law conferring the land grant."<sup>28</sup>

Carpenter left Fort Dodge at once for Keokuk, to talk with Hugh T. Reid, head of the construction company, but all his arguments failed. The road refused to consider changing the surveyed route so as to come directly into Fort Dodge. C. B. Richards, one of the town's attorneys, wrote to Carpenter that "our friends here . . . are of the opinion that Gen Reid is acting in bad faith has not now and has not had any intention of coming here, and does not want to run their road in here." Richards suspected that the real reason for insisting on building west of Fort Dodge was that speculators who owned lands around the site of a town that was being planned at the junction of the Iowa Falls & Sioux City and the Des Moines Valley were back of it all. Emmett Carpenter wrote his brother that he agreed with this interpretation: "the Valley Company & John I Blair and the whole villainous pack of them will have a good time if they attempt to kill Fort Dodge. Garnoe, Page & Merritt own an interest with the R. R. Co.

<sup>27</sup> Fort Dodge *North West*, Jan. 28, Feb. 11, June 10, 24, 1869; Beard, "Local Aid to Railroads in Iowa," 24-5.

<sup>28</sup> Merrill to Carpenter, Oct. 5, 1869, *Carpenter Papers*; Fort Dodge *North West*, Oct. 7, 1869.

in the land where the Depot is to be located. They expect to make a big thing out of it.”<sup>29</sup>

The threat of a competing road had worked before, so Fort Dodge tried it again. Subscriptions of \$70,000 were obtained at a meeting, and more promised. Resolutions were passed, asking the legislature to transfer the land grant of the Des Moines Valley to the new road. Gue and Carpenter were again prominent in this movement, together with Pomeroy and Duncombe. “There is a storm gathering in our State among the people who have been wronged and outraged by these unscrupulous capitalists,” Gue thundered. “The river towns have a large score of wrongs and oppressions counted up for future settlement, and the inland towns are going before the Legislature to join hands with them this winter, to determine whether our State is to be ruled by railroad companies, or by the people.” Just a year and a day before this outburst, Gue had been scolding these same river towns for refusing to agree to a cancellation of the Doud Amendment.<sup>30</sup> But the shoe was now on the other foot in Fort Dodge, and Gue saw no merit in consistency.

The newspapers of the Mississippi River towns joined in the hue and cry. The Dubuque *Herald* stated flatly that “the treatment of Fort Dodge by the Des Moines Valley road is the meanest we have seen for a long time. . . . Let their land grant be taken from them; they have violated the conditions upon which it was given and are not entitled to it.” The Davenport *Journal* also attacked the railroad and warned the officers that Fort Dodge was “rather too large a place to be thus dodged.”<sup>31</sup>

Carpenter had labored long in the interests of his home town, and now “his blood was up.” Colonel C. H. Perry, vice-president of the Valley Road, wrote a long letter to the Des Moines *Register*, justifying, with many underscorings, the position of his road and denying that they had violated the terms of their grant by surveying the line west of Fort Dodge. The proposed line was “attributable solely to the character of the country and the location of the city,” he claimed. They could not “traverse extensive

<sup>29</sup> C. B. Richards (Oct. 21), and Emmett Carpenter (Oct. 24), 1869, to Carpenter, *Carpenter Papers*; Fort Dodge *North West*, Oct. 14, 1869.

<sup>30</sup> Geo. B. Sherman to Carpenter, Nov. 8, 1869, *Carpenter Papers*; Fort Dodge *North West*, Nov. 5, 1869; Oct. 28, Nov. 4, 25, 1869. For role of river towns, see George H. Miller, “Origins of the Iowa Granger Law,” *Mississippi Valley Historical Review*, 40:657-80 (March, 1954).

<sup>31</sup> Quoted in Fort Dodge *North West*, Nov. 4, 1869.

quagmires and almost impassable ravines and gulches," he added. Furthermore, their proposed route would soon transform a "fertile desert" into a flourishing countryside "peopled with a thrifty population." Within ten days Carpenter had replied in an open letter to Perry, published in the *Register*, replete with just as many underscorings, in which he proposed "to correct some of the statements" Perry had made. The argument resolved itself into a disagreement over the meaning of "up and along the valley of the Des Moines river," with Carpenter and the Fort Dodge contingent insisting that "valley" be interpreted very narrowly, the railroad believing that "valley" was an inexact term, subject to wide variations. Perry's references to "quagmires" and "ravines" also aroused Carpenter's ire, as did the suggestion that the road would transform a "fertile desert" into a prosperous community. Why not, asked Carpenter, "promote the welfare of the people who had already pushed their way up toward the source of the Des Moines river, and rendered the construction of a railroad possible," instead of building through an empty countryside in the hopes of attracting a new population? Admitting that to build the road directly along the river would be more expensive, Carpenter insisted that the land grant was made to take care of just such additional expense. Colonel Perry did not see "quagmires" and "ravines" along the river, as he claimed, continued Carpenter; "it was town lots" that he saw.<sup>32</sup>

As a state official, Carpenter held annual passes on all the railroads of Iowa, including one on the Des Moines Valley. On the day that he wrote his letter to Perry he returned his pass to D. W. Kilbourne, president of the road. Kilbourne did his best to soothe the ruffled Carpenter, saying that he was "as anxious . . . to run the road through Fort Dodge as you can be, if it is at all feasible and can be done at an outlay of money we are able to meet." He further denied knowing anything about "town lot speculation" and insisted that he was not aware that any of his partners were engaged in such a business. He closed by returning the pass, hoping Carpenter could see his way clear to keeping it.<sup>33</sup>

Although Carpenter's letter to Perry did not have any results as far as the location of the road was concerned, it did do him a great deal of good politically. The people of northwestern Iowa now looked to Carpenter as

<sup>32</sup> The Perry and Carpenter letters to the *Des Moines Register*, dated Nov. 18 and 27, 1869, respectively, were republished in the *Fort Dodge North West*, Dec. 9, 1869. Emmett Carpenter to Carpenter, Dec. 10, 1869, *Carpenter Papers*.

<sup>33</sup> D. W. Kilbourne to Carpenter, Dec. 9, 1869, *Carpenter Papers*.



their voice of protest. Gue considered the letter "perfectly overwhelming"; Pomeroy wrote from Washington that he hoped Carpenter would "follow it up" in his report as Register of the State Land Office; Thomas Sargent of Fort Dodge congratulated him on his "withering reply," adding that there were "Frog ponds, sloughs, muskrat houses, &c" along the route chosen by the road, and accusing H. D. Merritt, the division engineer, of misleading the railroad "in his anxiety to form a junction with the Iowa Falls & S. C. R R near his farm so as to make his individual lands valuable."<sup>34</sup>

By the time the legislature met in January, 1870, Fort Dodgers were ready with a "Memorial of the People," signed by a committee made up of Carpenter, Gue, Duncombe, and others, asking that the land grant of the Des Moines Valley be resumed by the state and regranted to a new line to be built from Des Moines "up and along the valley of the Des Moines River *via* Boonsboro, Montana, and Fort Dodge, to the north line of the State, in the direction of the southern bend of the Minnesota or St. Peters river." To emphasize this, Carpenter wrote another long letter to the *Register*, going over the whole story again and accusing the Des Moines Valley of "gross and inexplicable evasion of the law."<sup>35</sup>

Those who fought hardest for the resumption of the Des Moines Valley land grant ignored the fact that by the law passed in 1868 the railroad had until the end of 1870 to complete the road. This fact weakened their struggle to take away the land grant on the basis of noncompliance with the terms of the grant, since the railroad still had some twelve months to fulfill the requirements. Fort Dodge put up a good fight, however, and so did the Des Moines Valley. In fact, all the railroads of the state had a corps of lobbyists in Des Moines, trying to block every move made in the legislature to impose regulations on transportation. The Des Moines Valley resumption bill was only one of the railroad bills before the General Assembly of 1870: efforts were made to change the basis of taxation of the roads; and another tariff regulation bill was introduced. Most of the regulatory bills passed the House but met defeat in what Gue angrily called the "Railroad Senate."<sup>36</sup>

<sup>34</sup> Gue (Dec. 7), Charles Pomeroy (Dec. 16), and Thos. Sargent (Dec. 20), 1869, to Carpenter, *ibid.*

<sup>35</sup> Carpenter letter quoted in Fort Dodge *North West*, Jan. 20, 1870; resolution in *ibid.*, Jan. 27, 1870.

<sup>36</sup> Beard, "Background of State Railroad Regulation in Iowa," 25-6; Fort Dodge *North West*, Mar. 31, 1870.

The resumption bill lost out in both houses. Introduced into the House by Galusha Parsons of Webster County, it was referred to the committee on the judiciary, which held long hearings, Carpenter appearing in the interests of his neighbors, a Mr. Strong speaking for the railroad. A majority of the committee opposed the bill, while a minority of Parsons, William Mills, and Fred O'Donnell of Dubuque, and H. O. Pratt of Floyd County urged its adoption. In the Senate a similar bill was approved, with certain amendments, by a majority of the railroad committee, but a minority of H. C. Bulis of Winneshiek, Charles Beardsley of Des Moines, E. S. McCulloch of Lee, and J. G. Patterson, who represented Chickashaw, Floyd, and Howard counties, opposed its adoption. The bill failed in the House by a vote of 51 to 38, in the Senate, 21 to 20, indicating that the House might be more of a "railroad" body than the Senate. That the railroad men had used every possible tactic to gain support for their side is indicated by the fact that they even approached Carpenter. "I was so glad that Gen. Reid found one man that was incorruptible," wrote Emmett Carpenter to his brother when he heard of it.<sup>37</sup>

Gue, one of the leaders in the fight for resumption, was especially bitter at the defeat:

The House of Representatives has finally reached a vote on the bill for the protection of 30,000 people in Polk, Boone, Hamilton, Webster, and Humboldt counties in the Valley of the Des Moines river, against the most unblushing fraud and swindle ever perpetrated by a set of railroad sharpers. The House after a full hearing has by a vote of 51 to 38 endorsed that swindle and thus declared that the people have no rights that railroad companies are bound to respect. The railroad lobby which has reigned supreme at Des Moines this winter has openly boasted that it was able to defeat any legislation that was not acceptable to their employers, but we have never until now been willing to believe that they could really so control the Iowa Legislature.<sup>38</sup>

When the session of the General Assembly closed on April 13, and the railroad men had won all along the line, a celebration was in order. Gue reported on the festivities:

The Railroad Lobby felt so jubilant over their success in defeating

<sup>37</sup> *House Journal*, 1870, 330-36, 485; *Senate Journal*, 1870, 291, 320, 355-6; *Fort Dodge North West*, Feb. 17, 1870; Emmett Carpenter to Carpenter, Apr. 17, 1870, *Carpenter Papers*.

<sup>38</sup> *Fort Dodge North West*, Apr. 7, 1870.

the various demands of the people before the Legislature, such as resumption, tariffs and taxation, that they organized as the Third House and gave the two other houses of the General Assembly a complimentary supper at the Savery. — Bailey of the Northwestern superintended the business, and we learn that the wine and brandy was worthy of the occasion, and supplied in generous quantity.<sup>39</sup>

Carpenter hastened to assure his neighbors that they had nothing to complain of in the activities of their representatives in Des Moines. The men from the "Valley" had done their best, he wrote, but "railroad influence" was "stronger than argument." Certain men were always ready "to make indecent haste to do the bidding of a Railroad Company," Carpenter explained.<sup>40</sup>

One act passed by the Thirteenth General Assembly which met with the approval of the "Third House" was a bill introduced by Senator William Larrabee of Fayette County. This bill provided for a 5 per cent local tax to aid railroads. It was practically the same bill as the one recently declared unconstitutional by the state supreme court, but this time it passed that barrier, possibly because of a change in the personnel of the court.<sup>41</sup> Thus the way was again opened for increased local aid, and the counties once more jumped at the chance to woo the railroads to come their way.

The people of the Des Moines valley, having failed to bring the Valley Road to terms, turned once more to the old threat of a competing road, a threat which had worked in the past. On April 12, the day before the legislature adjourned, the stockholders of the Fort Dodge & Minnesota Railroad (originally the Upper Des Moines Valley and then the Des Moines, Fort Dodge & Minnesota) met at Fort Dodge and elected a new board of directors made up of the leaders of the fight with the Des Moines Valley. Gue, Duncombe, and Carpenter were on the board, together with Congressman Charles Pomeroy, State Representative Galusha Parsons, and many others. The following day the directors met and elected officers: Gue was made president; Duncombe, vice-president; W. N. Meservey and E. G. Morgan of Fort Dodge, secretary and treasurer respectively. A surveyor

<sup>39</sup> *Ibid.*, Apr. 21, 1870.

<sup>40</sup> Carpenter letter dated Apr. 18, 1870, published in *ibid.*, Apr. 28, 1870.

<sup>41</sup> *Laws of Iowa, 1870*, Chap. 102; Beard, "Local Aid to Railroads in Iowa," 24-5; Fort Dodge *North West*, Mar. 31, 1870.

was hired to locate the road, and by the middle of May he had begun a preliminary reconnaissance of the area.<sup>42</sup>

Duncombe, who had interests in the Iowa Falls & Sioux City, and who was close to John I. Blair, the motivating spirit of that road, knew something about the problems of railroad building, and he soon lost patience with the naivete of his associates. "The truth is," he wrote Carpenter, "from Gue down none of our people *really* have any idea of the difference between talking about building a RR & building it." "You & I know," he continued, "that it takes an everlasting sight of everlasting *hard work*. But the most of men think RRs are built by some kind of Jack O'Lantern scheme by which every body in them are to get rich & are to rob the people & get great plunder." Duncombe was having trouble controlling the board, he wrote, and had asked them to give him authority to go ahead and make decisions. He had plans for getting subscriptions to finance the road and for pushing support for a 5 per cent tax, now legal since Larrabee's bill had passed.<sup>43</sup>

A week later Duncombe wrote a letter that was published in the *North West*, urging the people of the area to rush subscriptions for the road. He warned that there was a move afoot to build a road from the Webster County coal mines north to the Minnesota border, locating it east of Fort Dodge. "With a railroad five miles east of Fort Dodge, and five miles west of Fort Dodge, our bright prospects are FOREVER RUINED." He painted a glowing picture of the prosperity that his road would bring, but warned "Let the enterprise die . . . and building will stop, trade will be seriously injured, and Fort Dodge property can't be traded off for baulky mules."<sup>44</sup> On the same day that his letter appeared in the paper, Duncombe wrote to Carpenter, urging him to contribute an article in support of stock subscriptions. Realizing that local capital could not build a railroad, Duncombe added, he had approached Blair in the hope of attracting Eastern funds, but he had little hope for help from that direction, "for the reason that this is no land grant."<sup>45</sup> Any effort to build local roads without the aid of a land grant and Eastern money was almost certainly doomed to failure.

<sup>42</sup> Fort Dodge *North West*, Apr. 21, May 12, 1870.

<sup>43</sup> Duncombe to Carpenter, May 21, 1870, *Carpenter Papers*.

<sup>44</sup> Duncombe letter of May 30, 1870, in Fort Dodge *North West*, June 2, 1870.

<sup>45</sup> Duncombe to Carpenter, June 2, 1870, *Carpenter Papers*.



Carpenter did his best to help in the campaign for subscriptions and also to allay the Fort Dodger's suspicions of Duncombe himself. "The only way we can succeed in our railroad project," he wrote ". . . is to resolve that no little petty jealousy, or enmity, whether well or ill founded, against this or that man, whose circumstances make him prominent in this all-important enterprise shall influence our action in this matter one particle."<sup>46</sup> This sentence refers to Duncombe, whose financial success made him a cause of envy, whose dictatorial manner made him a number of enemies, and whose role as a Peace Democrat during the war had not been forgotten. That Carpenter, who had so often been the butt of Duncombe's political attacks, could forget these and write in support of him in the interests of Fort Dodge should have had some influence on potential investors. But such was the confusion of politics, personalities, and the desire for railroads in Fort Dodge, that Carpenter did not succeed in swinging the townspeople over to the side of Duncombe and his railroad. Thomas Sargent explained the attitude of Fort Dodgers to Carpenter:

Rail Road matters are all exciting with our citizens — A meeting was held yesterday and the day before — another is to be held tonight — wish you were here to participate. On the one side is Duncombe Smeltzer Meservy Richards & Slawson — the sole directors of the Minn. Co. — on the other side is the DVRR — and except such as Duncombe can honeyswaggle — the citizens are in favor of DVRR Co — We take the position that if it [the 5 per cent tax] goes to the DVRR we at once establish a competing line from Fort Dodge, through which competition we may expect a Reduction in freight & fare to all points east & south — on the other hand if it goes to Duncombe & Co it will fall into the hands of John I Blair — that great R R monopolist — and this competition is all lost.<sup>47</sup>

The reason for this fear of Blair is that at about this date he had appeared in Fort Dodge, had conferred with Duncombe, and had gone north to inspect the proposed line of road.<sup>48</sup> Evidently prospects of a competing road had aroused Blair's interest in the proposed Fort Dodge & Minnesota in spite of the fact that it had no lucrative land grant. The people of Fort Dodge, believing in the advantages of competition, and forgetting

<sup>46</sup> Carpenter letter of June 7, 1870, in Fort Dodge *North West*, June 16, 1870.

<sup>47</sup> Sargent to Carpenter, June 23, 1870, *Carpenter Papers*.

<sup>48</sup> Theo. Hawley to Carpenter, June 20, 1870, *ibid.*; Fort Dodge *North West*, June 23, 1870.

past differences, turned at once to the Des Moines Valley rather than let Blair, who already controlled their east-west line, have a hand in a north-south outlet.

Meanwhile, the Des Moines Valley had been making overtures to Fort Dodge. On June 9 Gue reported a rumor that the directors of the railroad had "determined to solve the difficulty that stands in the way of perfecting the title to the lands claimed by said company by building the road into and through Fort Dodge as provided by law."<sup>49</sup> Here again is the echo of the importance of land to a railroad. The grant as restated in 1868 made it necessary for the road to build into Fort Dodge if they wanted to get a clear title to the promised lands. The company published a map, showing the line of their road going into Fort Dodge. Either they did this because they had decided "at this late day to comply with the law," said Gue, "or they are seeking to defraud the people." A week later Gue reported further and brighter prospects. Officials of the road had visited Fort Dodge and had held a conference relative to the location of the main line through the town. They had an arrangement with the Iowa Falls & Sioux City to run into Fort Dodge on the line of that road, but they now believed that they could build their own line into the town, "provided the local aid consisting of five per cent. taxes and swamp lands could be secured to aid in the work."<sup>50</sup>

Another conference was called, and Hugh T. Reid stated the company's terms:

The *right of way* to be given to said company free of charge, and also depot grounds in Fort Dodge and Badger township, to be given to said Co., at such places as the Co. may select, not exceeding ten acres at each place free of charge; the citizens of Fort Dodge and vicinity to subscribe and pay to said Des Moines Valley Rail Road company as the work progresses through and above Fort Dodge, sixty thousand dollars.

A further requirement was that the "townships of Fort Dodge and Badger each . . . vote and pay a tax of five per cent." A committee consisting of Gue, Sargent, Samuel Rees, Theo. Hawley, and others was appointed to consider the offer. So quickly had sentiment changed in Fort Dodge that the committee at once reported substantial acceptance of the railroad's

<sup>49</sup> Fort Dodge *North West*, June 9, 1870.

<sup>50</sup> *Ibid.*, June 9, 16, 1870.

offer, agreeing to take 200 shares of stock at \$100 each in addition to the requested 5 per cent tax. Duncombe and his directors made a counter-proposal in behalf of the Fort Dodge & Minnesota, the last paragraph being intended to allay fears that the Blair interests would control the road: "Our Company will contract with no Company to turn over this road until built. We intend to build the road if aided by our people."<sup>51</sup>

A further meeting of the committee and the two roads resulted in a compromise in which Duncombe surrendered. He agreed that all who had subscribed to his road would be released and urged to take stock in the Des Moines Valley. His only stipulation was that the Valley Road would build into Fort Dodge on their own tracks instead of using those of the Iowa Falls & Sioux City. When Duncombe surrendered, he did so gracefully. He gave the road free right-of-way through his lands and donated the depot grounds in Fort Dodge, and he and the other directors of the Fort Dodge & Minnesota came out in strong support of voting the 5 per cent tax to aid the Des Moines Valley. "Our people chose the D. M. V. R. R. Co.," they wrote, "and while we thought it better to aid the other company, that company is now entirely out of the field, and our only hope is in the Des Moines Valley Company." Fort Dodge voted overwhelmingly for the tax: 288 for, 93 against.<sup>52</sup>

The railroad war was over, and each side had won concessions. On December 22, 1870, a train of the Des Moines Valley Railroad crossed "the new bridge and ran into Fort Dodge."<sup>53</sup> The counties north of Webster County now began to take hope. Engineers surveyed the road north to Emmet County, and people in Estherville were promised "a vigorous push northward of the Valley Road next year and its early completion to the State line."<sup>54</sup>

But the Des Moines Valley seems to have exhausted its resources in reaching Fort Dodge. Four years later it was still there, with the promises of building northward still unfulfilled. Bondholders at last forced the sale of the road, whereby it was split in two at Des Moines, the southern half going to John E. Henry of New York City; the northern portion, to be known as the Des Moines & Fort Dodge Railroad, to Colonel C. H. Perry. The road was gradually pushed northwestward to Ruthven in Palo Alto

<sup>51</sup> *Ibid.*, June 23, 1870.

<sup>52</sup> *Ibid.*, June 30, Aug. 18, 25, Oct. 13, 1870.

<sup>53</sup> *Ibid.*, Dec. 29, 1870.

<sup>54</sup> Estherville *Vindicator*, Nov. 16, 1870.

County, where it joined the Milwaukee road. Today it is a part of the Minneapolis & St. Louis system, having been purchased by that road in 1915.<sup>55</sup>

Whatever the future, Fort Dodge was pleased with itself in 1870. The town had two railroads, and prospects looked bright. That the competing roads did not bring immediate prosperity, an enlarged population, and reduced freight rates soon took the edge off this satisfaction, however.

The Fort Dodge-Des Moines Valley story is only one of many occurring throughout Iowa during the late sixties. The peremptory demands of the railroads had to be met if already established towns were not to be bypassed and destroyed by "railroad towns." By 1870 the Middle West was on the verge of the agrarian revolt that brought stringent "Granger Laws" in Iowa, Minnesota, Wisconsin, and Illinois. The anger aroused by what were considered the high-handed methods of the railroads was one of the seeds of this revolt — an antirailroad sentiment that has long been misrepresented as wholly a farmer-corporation conflict.

<sup>55</sup> Accounts of the sale of the Des Moines Valley appear in the *Keokuk Gate City*, May 28, June 11, Nov. 12, 19, 26, 1873; Jan. 21, Feb. 25, 1874; and in the *Des Moines Register*, Jan. 23, 1874. See also Frank P. Donovan, Jr., *Mileposts on the Prairie: The Story of the Minneapolis & St. Louis Railway* (New York, 1950), 57, 64, 69, 140, 162-3, 217.



## HISTORICAL ACTIVITIES

### *State Historical Society of Iowa*

Carl H. Mather of Tipton, curator of the Society for the past eight years, died April 14, 1956. Mr. Mather was a warm supporter of the Society's program to promote the cause of state and local history in every possible way. A native of Iowa, Mr. Mather was a graduate of the State University of Iowa and a highly respected lawyer in his home town of Tipton, where he was a leader in church and community affairs. His passing is a loss to the Society and to Iowa.

During April, May, and June, 1956, the Society has elected 125 new members. The following have been enrolled as Life Members: Miss Minnie S. Behrens, Commerce, Texas; Mark F. Kline, Belmond; Frank R. Nichols, Davenport; Frank R. Wilson, Washington, D. C.; T. L. Brown, Des Moines; Dr. A. W. Bryan, Iowa City; Homer L. Calkin, Arlington, Virginia; Mrs. Paul Dixon, Sac City; Joseph G. Duncan, Lexington, Kentucky; Charles Gilchrist, Davenport; George J. McCabe, Davenport; A. F. Pape, Templeton; Miss Gail M. Redfield, West Lafayette, Indiana; Harrison H. Remore, Marinette, Wisconsin; J. Anthony Rhomberg, Dubuque; and Fred Schwengel, Davenport.

Dr. George S. May, research associate of the Society for the past two years, has resigned to accept a position as historical sites specialist with the Michigan Historical Commission at Lansing, Michigan.

Some 300 members of the Society and their families took part in the 1956 Mississippi River cruises aboard the *Addie Mae* on June 22, 23, 24, and July 7 and 8. The cruises started at the *Addie Mae's* dock on the Illinois side of the river and visited Nauvoo and Keokuk. A Missouri River trip has been scheduled for September 14 aboard the *Patrick Gass*.

#### SUPERINTENDENT'S CALENDAR

April 17      Attended Beef Producers meeting, and the presentation of portrait of Senator Arch W. McFarlane in Des Moines.

- April 18      Lectured to seven Iowa County clubs, all members of the Iowa Federation of Women's Clubs, at Victor.
- April 21      Attended the Rock Island Centennial Bridge celebration at Davenport-Rock Island.
- April 24      Attended the Chicago Historical Society Centennial program in Chicago.
- April 27      Conference with Chickasaw County Historical Society officers at Iowa City.
- May 10      Commencement address, Thornburg High School and Grade School.
- May 11      Commencement address, Stanley High School.
- May 18      Attended state meeting of Industrial Editors in Iowa City.
- May 23      Commencement address, Lake City High School.
- May 24      Commencement address, Durant High School.  
Attended Des Moines Rotary.
- May 25      Commencement address, Washington County schools at Washington.
- June 4-5      Attended Cherokee Centennial and spoke to Executive Committee of the Cherokee Chamber of Commerce.
- June 9      Attended Lohrville Pony Show at Lohrville.
- June 21      Addressed Drake University Iowa History Conference at Des Moines.
- June 22-24      Ran first four steamboat excursions for members of the Society on the *Addie Mae* between Keokuk and Nauvoo.
- June 30      Attended dedication of the new bridge at Clinton.

### *Iowa Historical Activities*

The following officers of the Mahaska County Historical Society were re-elected at the May 9 meeting of the Society: John Eveland, president; J. C. Mattix, vice-president; Zola Kramme, secretary; and E. L. Butler, treasurer. Directors named at the meeting were Carl Woodford and Margaret Lichtenheld for three years, and Wendell Merrill for one year. Stillman Clark is curator of the Society, and Mrs. Stillman Clark is historian.

At the Marshall County Historical Society meeting on July 12, Mrs. W. E. Berthrong was elected president to succeed R. A. Rockhill, president of the Society since 1952. Other officers are Mrs. H. C. Hurd, vice-presi-

dent; Floyd Hancock, treasurer; Mrs. Florence Belknap, curator; and Miss Laura McRill, secretary. Directors elected were George Lewis, Mrs. A. A. Piper, George A. Smith, E. C. Wetherbee, Arley Wilson, William Pegg, and Ruth Arney.

Officers elected at the Four County Historical Society meeting on May 4 were Waldo McLennan, president; D. E. Vermace, vice-president; and B. H. Guinn, secretary-treasurer.

All the officers of the Wayne County Historical Society were re-elected at the July 3 meeting except Grant Kelley of the board of directors, who asked to be relieved. The officers of the Society are: Miss Amy Robertson, president; Mrs. Lawrence Fry, vice-president; Harry Hibbs, treasurer; Miss Altha Green, secretary; and Roy Grimes, curator. Board members are Mrs. T. C. Poston, Mrs. Earl Booth, Miss Ortha Green, and Glen Greenlee. Miss Robertson reported that in the past year the Society membership had increased from 31 to 400.

The Lewis and Clark Historical Association is sponsoring a drive to raise funds to restore and improve the Floyd Monument at Sioux City. The goal is 30,000 memberships at \$1.00 each. The drive is headed by C. B. Chesterman of Sioux City. The Association, aided by Representative Charles Hoeven and Senator Thomas E. Martin, is also sponsoring a movement to have the Floyd burial spot declared a national monument. Sergeant Charles Floyd, the only man to die on the Lewis and Clark expedition of 1804-1805, was also the first United States soldier to lose his life on active duty west of the Mississippi River.

Mr. and Mrs. Herbert K. Redhead of Des Moines have purchased one of Iowa's famous landmarks, the Mason House at Bentonsport, and plan to restore the old hotel and open it in the spring of 1957 as a museum.

A marker has been erected by the Thomas Mitchell Historical Society on the site of the cabin of Thomas Mitchell, Polk County's first white settler. The site is on Highway 6, three miles southwest of Mitchellville. The erection of this marker was part of the Mitchellville centennial celebration.

Numerous centennials are being celebrated in Iowa: Cedar Rapids, June 14-17; Dayton, September 1; bridge across the Mississippi at Davenport,

April 20; Arlington, July 18-19; West Bend, May 31, June 1; Pulaski, in August; Lake City, in July; Cambridge, July 26-28. The Cherokee Centennial committee published a book on April 2, commemorating Cherokee's one hundred years.

On July 6, 1956, approximately 1,000 persons gathered at the Boone Sacred Heart Cemetery to commemorate the seventy-fifth anniversary of the heroic exploit of Kate Shelley in saving a North Western passenger train from going through a broken bridge. The Order of Railway Conductors and Brakemen provided a plaque which was placed at the grave of Kate Shelley. Governor Leo A. Hoegh, Representative James I. Dolliver, and many railroad officials attended the ceremonies.

A Society for the Preservation of Historical Landmarks has recently been organized in Iowa, with the Rt. Rev. M. M. Hoffman of Dyersville as president; Mrs. Otha Wearin of Hastings as vice-president; and William Wagner of Dallas Center as secretary-treasurer. The organizational meeting was held in the Governor's Mansion at Des Moines in June, with Mrs. Leo A. Hoegh presiding. An advisory committee was appointed, including Mrs. Hoegh; William J. Petersen, superintendent of the State Historical Society; Claude Cook, curator of the State Department of History and Archives; G. M. Ludwig of Tipton; W. D. Houlette of Drake University; Simpson Smith of Des Moines; and Mrs. Loren G. Thomas of Des Moines.

The Tama County Historical Society elected the following officers at its annual meeting on April 7: Roy L. Shaffer of Tama, president; W. H. Hufford, vice-president; H. P. Giger, secretary-treasurer. Trustees elected were Mrs. W. G. MacMartin, Mrs. Eda S. Giger, and Mrs. Iowa Mapletorpe.

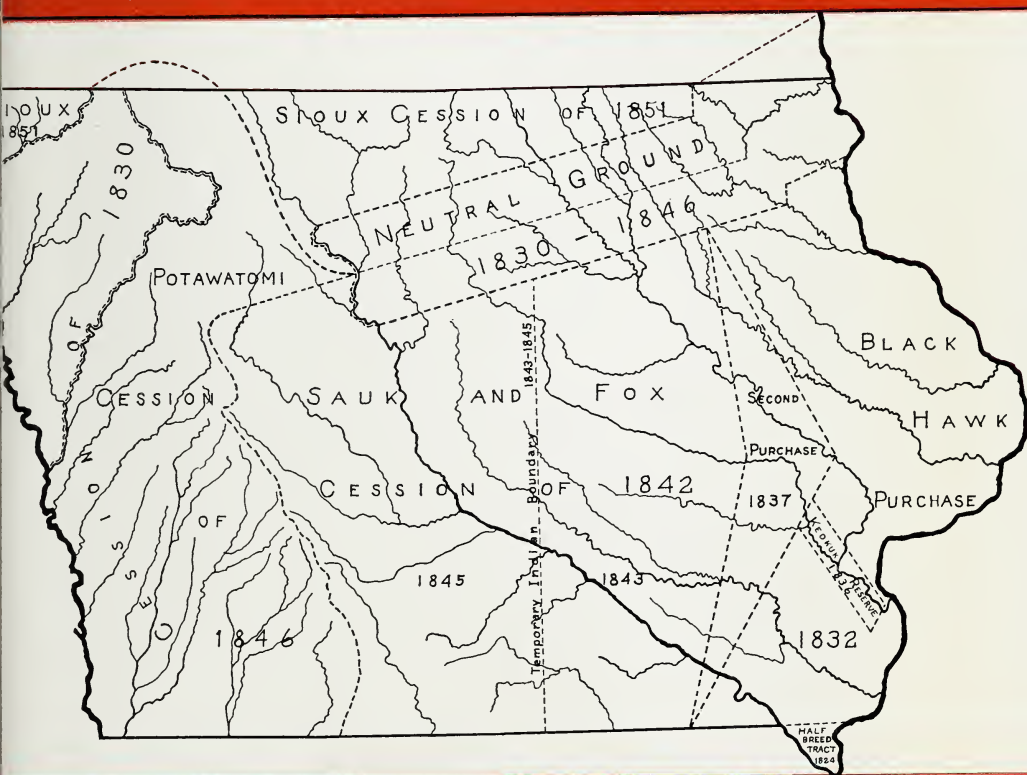
Mrs. Arthur Chapman of Fontanelle was elected president of the Adair County Historical Society at its June meeting. Mrs. Nellie Piper of Greenfield is vice-president, and Arthur Chapman is secretary-treasurer.



# IOWA

## JOURNAL OF

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## COVER

Map of the Indian Land Cessions in Iowa Territory.

## CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY V. IOWA

By George H. Miller\*

On March 1, 1877, the United States Supreme Court announced its decisions in a series of eight cases which are known collectively as the Granger cases.<sup>1</sup> The point at issue was the right of state legislatures to fix maximum rates for railroads and grain elevators doing business within the several states. Since this was the first occasion that the Supreme Court had had to rule specifically on the question of price control, the Granger cases provoked a fundamental statement of American constitutional law. Speaking through Chief Justice Morrison R. Waite, the Court held that businesses "affected with the public interest" were subject to statutory rate control; and because railroads and grain elevators clearly were affected with the public interest, the so-called Granger laws of Iowa, Illinois, Wisconsin, and Minnesota were all constitutional.

Historians have interpreted the Court's pronouncements in the Granger cases as a major turning point in American history. They have called them the beginning of the end of a laissez-faire political economy in the United States.<sup>2</sup> "Despite important modifications in later decisions," say Morison and Commager, "the fundamental principle here announced of the right of government to control business of a public character has never been repudiated, and the Granger cases remain as landmarks in American constitutional law and in the history of public regulation."<sup>3</sup>

If this interpretation is correct, the decisions were indeed radical in their implication, and the business community had suffered a serious setback at the hands of the Court. In an era when American business was beginning

\*George H. Miller is assistant professor of history at Ripon College, Ripon, Wisconsin.

<sup>1</sup> 94 U. S. Reports, 113 (1877).

<sup>2</sup> For example, Solon J. Buck, *The Granger Movement* (Cambridge, Mass., 1913), 206; and Allan Nevins, *The Emergence of Modern America, 1865-1878* (New York, 1927), 176.

<sup>3</sup> Samuel Eliot Morison and Henry Steele Commager, *Growth of the American Republic* (4th ed., 2 vols., New York, 1950), 2:118.

to enjoy great favor with all branches of government—on the eve of some of its greatest political and judicial triumphs—the leading industrial interests of the nation had received a stunning blow. But an examination of the state and federal law reports for the period prior to 1877 shows the Granger decisions to be far less radical than generally supposed. In fact, when placed in proper perspective, they appear surprisingly old-fashioned. The constitutional innovations are not in the majority opinions at all; they appear, instead, in the briefs of railroad and warehouse counsel and in the dissenting opinions of Justice Stephen J. Field. The Court's decisions were quite orthodox. American business, therefore, had not lost ground, it had simply failed to gain ground. The Court was some twenty years behind the times.

If this alternative interpretation is correct, the real significance of the Granger decisions for students of constitutional law lies in the fact that they summed up a passing era in American history while preparing the way for a new era. Chief Justice Waite serves as the historian of business jurisprudence down to 1877; Justice Field serves as the prophet of things to come. The following account of one of these famous cases should make this point clear. But the decisions also reflect an interesting episode in Western history. They grew out of a great struggle for commercial supremacy among the Eastern-dominated lines of transportation stretching westward from Chicago and the older local interests, some of which were still tied to the Mississippi River trade. In this sense, too, the decisions scored a victory for the past.

The first railroad case in the series involved the Chicago, Burlington & Quincy Railroad and the state of Iowa.<sup>4</sup> In the year 1874 the Iowa General Assembly had passed a law imposing maximum freight and passenger rates upon all of the railroads operating in the state.<sup>5</sup> It was designed to regulate the fixing of charges in such a way as to prevent discrimination against Iowa commercial centers in favor of Chicago and other out-of-state terminals. Because of prevailing railroad practices, the Iowa merchants

<sup>4</sup> 94 *U. S. Reports*, 155. The Court announced its decision in the warehouse case first (*Munn v. Illinois*, 94 *U. S. Reports*, 113). The Iowa case was second, followed by *Peik v. Chicago and North-Western Railway Company* and *Lawrence v. Same* (p. 164); *Chicago, Milwaukee and St. Paul Railroad Company v. Ackley* (p. 179); *Winona and St. Peter Railroad Company v. Blake* (p. 180); *Southern Minnesota Railroad Company v. Coleman* (p. 181); and *Stone v. Wisconsin* (p. 181).

<sup>5</sup> *Laws of Iowa*, 1874, 61-89.



in the Mississippi River towns had found it increasingly difficult to obtain the grain, flour, and lumber business of their own state. The railroads which crossed Iowa from west to east and made connections with Chicago or Milwaukee had been charging considerably lower rates for their long-haul, interstate traffic than they had been for business moving from point to point within the state. Under these conditions the Mississippi River towns were hard pressed to compete with Chicago and Milwaukee as terminal markets — markets where goods were collected, stored, and sold in large quantities.<sup>6</sup> In 1874 the Iowa legislature had attempted to correct this “injustice” by fixing maximum ton-per-mile rates, roughly corresponding to the Chicago rates, upon all Iowa rail traffic.<sup>7</sup> In this way local charges were suppressed to the long-haul level, and the chances of discrimination against an Iowa terminal were greatly diminished.

The Iowa law was one of a series of rate-control measures adopted by the states of the upper Mississippi Valley between 1869 and 1874. Their enactment coincided in point of time with a movement for rural organization known as the Granger movement.<sup>8</sup> Although the Grange had little if anything to do with the framing of these rate-control statutes, and actually opposed the adoption of the Iowa law,<sup>9</sup> it reflected the current feeling of

<sup>6</sup> George H. Miller, “Origins of the Iowa Granger Law,” *Mississippi Valley Historical Review*, 40:657–80 (March, 1954). Most of Iowa’s surplus grain, for example, was sold in a world market and passed to its ultimate destination through a series of “terminal markets” such as Chicago-Buffalo-New York or Burlington-St. Louis-New Orleans. Since the price of grain at the local collecting point was the world price less the cost of transportation and middleman’s charges, a grain buyer for a Burlington firm could not compete with his Chicago rival in a local collecting point if the rail charges to Burlington exceeded those of the longer haul to Chicago, as was frequently the case.

<sup>7</sup> The statute also fixed maximum passenger rates and outlawed certain forms of personal discrimination between shippers in the same locality.

<sup>8</sup> Buck, *Granger Movement*, *passim*; Mildred Throne, “The Grange in Iowa, 1868–1875,” *IOWA JOURNAL OF HISTORY*, 47:289–324 (October, 1949).

<sup>9</sup> The Grange Committee at Des Moines was supporting another, more moderate, measure. W. P. Hepburn, the C. B. & Q. lobbyist at Des Moines, reported that the Grange was very indignant about the passage of the Iowa law. See Hepburn to J. M. Walker, Feb. 27, Mar. 10, 1874, J. M. Walker, In-Letters, July, 1873–August, 1874, v. 5, *Burlington Archives* (Newberry Library, Chicago), hereafter cited as Walker, In-Letters. Also, see Earl S. Beard, “The Background of State Railroad Regulation in Iowa,” *IOWA JOURNAL OF HISTORY*, 51:1–36 (January, 1953); and Mildred Throne, “The Repeal of the Iowa Granger Law, 1878,” *ibid.*, 51:98 (April, 1953).

hostility toward railroad rate-making practices and inadvertently contributed its name to the whole body of control legislation passed in this era.<sup>10</sup>

One of the railroads affected by the Iowa Granger law was the Burlington & Missouri River, a major east-west trunk line making connections with Chicago and Nebraska. It had been leased in 1872 to the Chicago, Burlington & Quincy Railroad, which had been operating it as an integral part of its main line but subject, of course, to all of the charter provisions of the B. & M. Since the law of 1874 was to be added as an amendment to the charter of the B. & M. (as it was to the charters of all Iowa roads), it was binding on the Illinois corporation and affected all of its Iowa business. This fact, however, the owners of the Chicago, Burlington & Quincy Railroad were reluctant to admit. They had fought the adoption of the law in the state legislature, and they were prepared to contest its enforcement in the courts.

To the owners of the C. B. & Q., statutory rate regulation was an unwarranted interference with their business and a serious threat to their financial position. Railroad rate making in the 1870's was anything but a science. Traffic managers generally charged "what the traffic would bear," in the sense of fixing their rates at each point so as to get the most business possible without reference to any ton-per-mile scale or cost-of-service principle. Under the competitive conditions in which they operated, they could scarcely do otherwise. This system did not produce high rates in any absolute sense. On the other hand, it made for gross distortions in rate structures.<sup>11</sup> Rates fluctuated from season to season, moved up and down with the success or failure of rate agreements, dropped at competitive points and rose at noncompetitive points. Frequently the charges for short hauls actu-

<sup>10</sup> The name "Granger Laws" seems first to have been adopted and popularized by the opponents of the measures who liked to characterize them in the Eastern press as Western agrarian assaults upon property rights. E. L. Godkin, editor of the widely-read *Nation*, and an outspoken critic of these measures, always used the term "Granger" with an implication of irresponsibility and radicalism. He did much to popularize the term "Granger Laws," which was not widely used in the West until after 1874. The name persisted and was ultimately transferred to the Supreme Court cases involving their constitutionality. Charles E. Perkins of the C. B. & Q. speaks of the "Granger cases" as early as February, 1876. Perkins to H. L. Higginson, Feb. 2, 1876, Letterbook II, Cunningham-Overton Collection of Charles E. Perkins Papers in custody of Richard C. Overton, hereafter cited as *Perkins Papers*. The papers are cited with Mr. Overton's permission.

<sup>11</sup> Rate structure refers to the comparative level of charges at each point along the right-of-way.

ally exceeded those for long hauls over the same tracks in the same direction, a fact to which the Iowa river towns could testify.<sup>12</sup>

These chaotic conditions were not to the railroads' liking. But the law of 1874, which in one sense was an attempt to bring some sort of order out of the chaos in the interest of Iowa business, was not a satisfactory solution to the problem from the railroads' standpoint. In an extremely competitive situation such as existed in Iowa (to the railroads' way of thinking) and in the midst of unsettled business conditions (after the Panic of 1873), the railroads wanted the greatest possible freedom of action. Their most valuable business seemed to be their long-haul Chicago business, which they fought for with low rates. This resulted in the alleged discrimination against the river towns. The railroads also wanted the short-haul business, of course, but they did not believe that they could do it at the long-haul rates and still meet expenses. The cost per mile for short hauls was simply and obviously greater.<sup>13</sup> The opinions expressed by the Burlington managers as to the precise effect which the law of 1874 would have upon their business in Iowa are conflicting,<sup>14</sup> but a considered judgment placed their own local freight rates about one-fourth higher than the statutory rates. The reduction in earnings to be expected as the result of the law was placed at \$421,000 annually. Since net earnings for the previous year had been just over \$1,000,000, the anticipated cut was understandably alarming.<sup>15</sup> Robert Harris, the General Superintendent of the Burlington in 1874, claimed that

<sup>12</sup> For a discussion of the railroad rate problem with special reference to Iowa, see William Larrabee, *The Railroad Question* (Chicago, 1893). Average rates in Iowa were declining steadily during the decade following the Civil War. Julius Grodinsky, *The Iowa Pool, A Study in Railroad Competition* (Chicago, 1950), 3-4, 163.

<sup>13</sup> For railroad testimony on the rate question, see Des Moines *Iowa State Register*, Feb. 5, 1870; Memorandum entitled "Reasons for not charging for transportation by Railroad on the Basis of distance carried" [Feb. 16, 1869] in Robert Harris, Out-Letters, General Superintendent's Letters, March 30, 1867-March 1, 1876, v. 15, *Burlington Archives*, hereafter cited as Harris, Out-Letters. Perkins memorandum [January, 1873], Letterbook I, 117-122; Perkins to E. L. Godkin, Oct. 24, 1875, Letterbook II, 334-5, *Perkins Papers*.

<sup>14</sup> Harris to W. P. Hepburn, Mar. 20, 1874, Harris, Out-Letters, v. 33; Harris to O. H. Browning, July 24, 1874, Harris, Out-Letters, v. 34; Walker to Hepburn, Mar. 2, 1874; Walker to Denison, Mar. 20, 1874, J. M. Walker, Out-Letters, Sept. 16, 1871-Sept. 30, 1881, v. 4, *Burlington Archives*, hereafter cited as Walker, Out-Letters.

<sup>15</sup> Harris to Browning, July 24, 1874, Harris, Out-Letters, v. 34.

it would be impossible to pay the interest on the B. & M.'s debt if the prescribed rates were enforced.<sup>16</sup>

The Burlington management may very well have exaggerated its plight in Iowa,<sup>17</sup> but there was a possibility that legislative control would have a depressing effect upon the Burlington's over-all financial position in another respect. One of the most repeated arguments used by the opponents of rate regulation in state legislatures from coast to coast was that legislative control would "alarm capital." Capitalists, it was said, were reluctant to put their money into enterprises that were subject to legislative regulation, particularly if they were highly speculative ventures such as Western railroads.<sup>18</sup> A railroad under statutory control was considered a less valuable property than one free from arbitrary restrictions in its rate-making powers. Because the C. B. & Q. was a new railroad, building in a new territory, it could be sensitive to considerations of this sort.<sup>19</sup>

One further practical objection to legislative rate control was the nature of the legislatures themselves. Railroad men could not accept a politically oriented, transient, and completely inexperienced body as a suitable authority on rate making. "There are few more intricate questions," wrote Charles E. Perkins, General Superintendent of the B. & M. from 1865 to 1873, "than those involved in making a Railroad tariff, and for a body composed chiefly of lawyers and farmers who have never studied the subject to assume to decide such questions is of course absurd."<sup>20</sup> Rate fixing by state legislatures was considered mischievous and uncalled for, as well as detrimental to the railroad interests.

The Burlington's stand against the law of 1874, it should be noted, was a stand against *legislative* rate fixing and not against government regulation of rates in all forms. The distinction is an important one. Although the

<sup>16</sup> Harris to Hepburn, March 20, 1874, *ibid.*, v. 33.

<sup>17</sup> For later estimates of the 1874 schedule, see Peter A. Dey, "Railroad Legislation in Iowa," *Iowa Historical Record*, 9:556-7 (October, 1893); Larrabee, *Railroad Question*, 332; Ivan L. Pollock, *History of Economic Legislation in Iowa* (Iowa City, 1918), 47-8.

<sup>18</sup> For pertinent references to the use of this argument, see Richard C. Overton, *Burlington West: A Colonization History of the Burlington Railroad* (Cambridge, Mass., 1941), 509; and Throne, "The Repeal of the Iowa Granger Law," 97-130.

<sup>19</sup> The market value of B. & M. stock and bonds remained fairly steady throughout the year 1874. There is no indication of any reaction to the adoption of the Granger Law. *Commercial and Financial Chronicle* (New York), vols. 18-19 (1874).

<sup>20</sup> Memorandum [January, 1873], Letterbook I, 121-2, *Perkins Papers*.



railroads might have enjoyed the luxury of conducting their operations free from all government restrictions as to rates, they never claimed the right to do so, and they never maintained that they were entirely free of responsibility to the general public in the establishment of their tariffs. Railroads, admittedly and purposely, were common carriers, and they were subject to the law of common carriers. This law required that all their charges be "reasonable" according to standards determined, not by themselves, but by the courts. It required that rates be made without unjust discrimination between customers. In addition to these common-law duties, the railroad companies accepted other obligations by virtue of the fact that they were organized as private corporations. They were responsible to the state legislatures which granted their charters. These charters might properly contain restrictions upon their rate-making powers or provide for some future restriction upon this subject. Should their charters give them complete freedom to levy whatever rates they might choose, and some railroads had acquired this privilege, such rates would still be subject to the law of common carriers with respect to reasonableness and discrimination. This was the law as it existed in 1874, and the railroads did not claim otherwise.<sup>21</sup> The rate question of the 1870's was not a matter of regulation versus complete laissez-faire, since no one was making any serious claim for the latter.<sup>22</sup>

It should also be pointed out that railway managers did not necessarily think it either right or good policy to make all of the wide discriminations between shippers which had contributed to the agitation for rate control. Robert Harris, the General Superintendent of the Burlington from 1865 to 1876, could see nothing wrong with the Illinois "Granger" law of 1869 which required reasonableness and "uniformity in the sense of the same

<sup>21</sup> Edward L. Pierce, *A Treatise on American Railroad Law* (New York, 1857), 148-9; Isaac F. Redfield, *A Practical Treatise Upon the Law of Railways* (2nd ed., Boston, 1858), 356; Bruce Wyman, *The Special Law Governing Public Service Corporations and All Others Engaged in Public Employment* (2 vols., New York, 1911), 2:1124-35, 1232-3; [Charles F. Adams, Jr.], "Railroad Legislation," *Merchants' Magazine and Commercial Review* (New York), 57:339-55 (November, 1867); Balthasar H. Meyer, *Railway Legislation in the United States* (New York, 1903), 57-68.

<sup>22</sup> Charles E. Perkins admitted that there was no doubt about the power of the state to regulate the rates of railroads if their charters did not protect them. "This power we have never heard denied." Perkins Memorandum [December, 1875], Letterbook II, 389, *Perkins Papers*.

rate to every person [for the same service]."<sup>23</sup> "If a law be framed," he held, "by which all should be treated alike and no personal preference given and by which men of small means and energy shall have the same rates as large dealers and capitalists," there could be no valid objections on the part of the railroads.<sup>24</sup> At the height of the Granger agitation in 1873, Harris warned that "it behooves General Managers to mend some of their ways and particularly in the wild, unreasonable and unnecessary cuttings and discriminations that are at the bottom of all this noise."<sup>25</sup> He admitted privately that the furor might have its good effect.<sup>26</sup>

It is not surprising, then, that throughout the Granger movement for state regulation, the Burlington and the other roads of the Middle West distinguished between what they considered reasonable and unreasonable legislation. Measures designed to strengthen the hands of shippers in common-law suits involving claims of unjust discrimination were seldom opposed. In many cases the railroad lobbies actually supported such measures in preference to the more rigid and arbitrary statutory restrictions proposed by the radicals. The system of control ultimately adopted by Illinois in 1873, for example, was generally acceptable to the railroad interests because it provided for a system of judicial review and led to a common-law action involving a test of reasonableness.<sup>27</sup> When a similar system was proposed in Iowa, it was characterized by the radicals as a "railway measure," and the railroads, in fact, were supporting it. In 1874 railroad and official Grange representatives combined forces to support the Tufts bill in opposition to the so-called Granger law which actually passed.<sup>28</sup>

<sup>23</sup> Harris to Denison, Mar. 17, 1869, Harris, Out-Letters, v. 15.

<sup>24</sup> Memorandum [February 16, 1869], *ibid.*

<sup>25</sup> Harris to A. Anderson, Mar. 14, 1873, *ibid.*, v. 30.

<sup>26</sup> Harris to T. J. Carter, Mar. 24, 1873, *ibid.*, v. 30.

<sup>27</sup> For the legislative history of the various Granger railroad laws, see George H. Miller, "The Granger Laws: A Study of the Origins of State Railway Control in the Upper Mississippi Valley" (Ph.D. dissertation, University of Michigan, 1951). The Illinois law of 1873 made long-and-short-haul discrimination only *prima facie* unjust. The schedule of rates prepared by the Illinois Railroad and Warehouse Commission was only *prima-facie* evidence that higher rates were unreasonable.

<sup>28</sup> Miller, "Origins of the Iowa Granger Law," 676-7; W. P. Hepburn to Walker, Feb. 27, Mar. 10, 1874, Walker, In-Letters, v. 5; Walker to Denison, Feb. 28, 1874, Walker, Out-Letters.

This distinction between legislative and judicial control was also to be made in the fight against enforcement of the Granger laws. The all-out assault by the railroads on the constitutionality of these measures was confined to the Illinois and Minnesota laws of 1871, the Wisconsin law of 1874, and the Iowa law of 1874. Each of these acts imposed arbitrary statutory restrictions upon rate-making powers.<sup>29</sup> The Illinois laws of 1869 and 1873, and the Minnesota law of 1874, all of which embraced the principle of judicial review, were not involved in the Granger litigation. Judicial regulation gave the corporations an opportunity to state their case in individual suits; and it would permit them to bring the full measure of their power and influence to bear where it would be most effective. Courts, or boards of commissioners acting under judicial supervision, could be counted on to give the railroads a respectful hearing. A state legislature could not.<sup>30</sup> The managers of the C. B. & Q. opposed the enactment of the Iowa Granger law because it attempted to fix arbitrary maximum rates. They were not objecting blindly to the principle of public regulation. They were not even denying the need for additional state supervision.

With the adoption of the Iowa law on March 23, 1874, the managers of the Burlington were compelled to shift their fight from the legislature to the courts. They apparently did so with some reluctance.<sup>31</sup> Similar contests in the courts of other states had not gone too well, and there were difficult problems of strategy to be solved. Should the company conform temporarily to the statutory rates and seek redress on the grounds of some violation of its constitutional rights, or should it refuse to comply with the provisions of the law and wait for suit to be brought against it? What effect would either course have upon the business of the road? Could the law be contested more successfully in the state courts or in the federal courts?<sup>32</sup> Each of these questions would have to be answered, and cor-

<sup>29</sup> 94 *U. S. Reports*, 155ff. The Illinois Railroad and Warehouse Acts of 1871 were also challenged. The railroad act was declared unconstitutional by the Illinois Supreme Court in *Chicago and Alton R. R. Co. v. The People ex rel.*, 67 *Freeman* 11 (Illinois, 1873). The warehouse act was upheld by the United States Supreme Court in *Munn v. Illinois*, 94 *U. S. Reports*, 113.

<sup>30</sup> Memorandum [January, 1873], Letterbook I, 122; Memorandum [January 27, 1876], Letterbook II, 436, *Perkins Papers*.

<sup>31</sup> Walker to Denison, July 6, 1874, Walker, Out-Letters, v. 5.

<sup>32</sup> Walker to Browning, Mar. 7, 1874, *ibid.*, v. 4; Walker to Sidney Bartlett, Apr. 18, May 14, 1874; Walker to Denison, July 10, 1874; Walker to Browning, Sept. 11, 1874; Walker to Rorer, Sept. 21, 1874, *ibid.*, v. 5.

rectly, or the road would suffer serious loss. But the managers had good reason to believe that they could not be legally bound by the statutory rates, and they hoped to avoid their restrictive effect if at all possible. Although their companions in arms had had little success in the courts of other states, the Burlington managers were in a position to profit by their mistakes.<sup>33</sup>

In July, 1874, the Board of Directors of the C. B. & Q. decided to defy the Iowa legislature.<sup>34</sup> The decision was reached after consultation with the other Iowa trunk lines so as not to upset business unnecessarily during the period of litigation. The major railroads which crossed the state from east to west were near enough to one another to be forced to compete for traffic in large parts of the intervening territory. The Burlington did not want to keep its rates up in defiance of the law if the Rock Island, in particular, intended to conform to the prescribed maxima. To do so would be to lose important business to its chief competitor.<sup>35</sup> Thus, the final plan to challenge the law of 1874 was adopted only after agreements had been reached with the other roads.

Almost immediately after the law of 1874 had gone into effect, the Burlington was faced with a whole series of suits for charging in excess of the legal rates. The Burlington managers were reluctant to test any of these claims in the local courts, because they doubted the impartiality of the judges. They also preferred not to face jury trials and have the facts of the various cases placed beyond review.<sup>36</sup> In the light of these fears and as a result of unfavorable decisions in other states, it was finally decided that the state courts would not be the most advantageous place for the railroad to begin its judicial fight.<sup>37</sup> So, to forestall further action by the state, an injunction against the Attorney General of Iowa was sought in the Circuit Court of the United States. The plea asked the court to prevent

<sup>33</sup> Walker to Sidney Bartlett, May 14, June 8, 1874; Walker to Denison, July 6, 1874 (2 letters), *ibid.*, v. 5.

<sup>34</sup> Walker to Denison, June 11, 1874, *ibid.*, v. 5; Bartlett to Walker, July 17, 1874, Walker, In-Letters, v. 7.

<sup>35</sup> Walker to Albert Keep and H. H. Porter, Feb. 24, 1874; Walker to Hugh Riddle, Feb. 24, 1874, Walker, Out-Letters, v. 4; Walker to Denison, July 6, 1874, *ibid.*, v. 5; Harris to J. F. Barnard, Apr. 24, 1874; Harris to Denison, June 18, 1874, Harris, Out-Letters, v. 34.

<sup>36</sup> Walker to Sidney Bartlett, Apr. 18, 1874; Walker to David Rorer, Sept. 9, 1874; Walker to Browning, Sept. 9, 1874, Walker, Out-Letters, v. 5.

<sup>37</sup> Walker to Sidney Bartlett, May 14, 1874, *ibid.*, v. 5.



the Attorney General from prosecuting any suit for violation of the law of 1874 on the grounds that said statute ran contrary to the Constitutions of the United States and of Iowa. This was the beginning of *Chicago, Burlington & Quincy Railroad Company v. Iowa*.<sup>38</sup>

The problem of preparing the railroad's case for the Circuit Court had been turned over to Judge David Rorer, the General Counsel for the Burlington & Missouri River Railroad. He had been assisted by the C. B. & Q.'s distinguished counsel, the Honorable Orville H. Browning of Quincy, Illinois, and by James Grant. Their plea was heard by the Court in January of 1875.<sup>39</sup>

Before examining the railroad's arguments, it will be useful to place the case in its legal setting. As defined earlier, it involved the right of the Iowa legislature to regulate the rates of the Chicago, Burlington & Quincy. In 1875 there was a large body of precedent available for settling this basic question, even though many distinguished lawyers refused to accept it at its face value.<sup>40</sup> The general power of a state legislature to regulate railroad rates, or for that matter to regulate prices in any business, had never been successfully challenged in any court in the United States.<sup>41</sup> In 1831 the New York State Court of Chancery had declared that, in the case of a railroad corporation, "the legislature may . . . , from time to time, regulate the use of the franchise, and limit the amount of toll which it shall be lawful to take, in the same manner as it may regulate the amount of tolls to

<sup>38</sup> The decision was made on October 16, 1874. Orville H. Browning, *Diary of Orville Hickman Browning* (2 vols., Springfield, Ill., 1925, 1933), 2:398. The case first appears as *Chicago, B. & Q. R. Co. v. Attorney General, et al.*, 5 Federal Cases 594 (1875).

<sup>39</sup> Walker to David Rorer, Sept. 9, 1874, Walker, Out-Letters, v. 5; Walker to Rorer, Nov. 24, 1874, *ibid.*, v. 6; Browning, *Diary*, 2:399, 405-406; C. B. & Q. v. Attorney General, 5 Fed. Cases, 594 (1875).

<sup>40</sup> This latter conclusion is based on an examination of the arguments in the various railroad cases and upon published reactions to them. See, for example, railroad counsel's statement in *Peik v. C. & N. W.*: "No such power [of rate fixing] has ever been conceded or exercised by the state, in this country." Benjamin R. Twiss, *Lawyers and the Constitution: How Laissez-Faire Came to the Supreme Court* (Princeton, 1942), 75. Also see Thomas M. Cooley, *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union* (5th ed., Boston, 1883), 735: "Since [the American Revolution] it has been commonly supposed that a general power in the state to regulate prices was inconsistent with constitutional liberty."

<sup>41</sup> Neither railroad nor warehouse counsel could cite a single example in any of the Granger cases. 94 U. S. Reports, 113.

be taken at a ferry, or for grinding at a mill, unless they have deprived themselves of that power by a legislative contract with the owners of the road."<sup>42</sup> This doctrine, which was quite in line with business jurisprudence of the time, had been affirmed repeatedly in the following years by both state and federal courts and by the Supreme Court of the United States as recently as 1874.<sup>43</sup> All railroads were subject to state legislative control unless charter rights were involved (or unless some other prohibition had intervened). On this point there could be no question. It would seem that the C. B. & Q. had a case only if its charter protected it against legislative interference or if some other extenuating circumstances could be established.

This is a limited view of the case, but it provides much needed perspective. Too often it is supposed that the Granger laws marked a radical departure from established precedent, whereas nothing is further from the truth. The general *right* of legislative price fixing was traditional, unchallenged, and scarcely in need of defense in the 1870's. The judicial evidence on this point is overwhelming.<sup>44</sup> The *policy* as distinguished from the *right* of legislative price fixing was not being widely exercised, but it was still very common in the case of railroads and other public carriers. The evidence on this point is equally decisive.<sup>45</sup> The Granger laws were not radical in the sense of breaking with established tradition; the courts were not unprepared to deal with them. The issue was not new; the claims of the state legislature were quite ordinary.

<sup>42</sup> *Beekman v. Saratoga and Schenectady Rail Road Co.*, 3 Paige, 45 (N. Y. Ch., 1831), 75.

<sup>43</sup> Redfield, *Practical Treatise Upon the Law of Railways*, 356; *Bloodgood v. The Mohawk and Hudson R. R. Co.*, 14 Wend., 51 (N. Y., 1835); *Worcester v. Rail Road Co.*, 4 Metcalf, 564 (Mass., 1843); *Concord Railroad v. Greely*, 17 N. H., 47 (1845); *Whiting v. The Sheboygan and Fond du Lac Railroad Company*, 25 Wisc., 167 (1870); *The People v. Salem*, 20 Mich., 452 (1870); *Parker v. Metropolitan Railroad Co.*, 109 Mass., 506 (1872); *Olcott v. The Supervisors*, 16 Wall, 678 (1873); *Railroad Company v. Maryland*, 21 Wall, 456 (1874).

<sup>44</sup> *Munn v. Illinois*, 94 U. S. Reports, 123-36. Waite's opinion is certainly conclusive on this point. Why historians have refused to accept it as such is difficult to understand.

<sup>45</sup> Charles Carroll Bonney, *Rules of Law for the Carriage and Delivery of Persons and Property by Railway with the Leading Railway Statutes and Decisions of Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York and the United States. Prepared for Railroad Companies and the Legal Profession* (Chicago, 1864); [Adams, Jr.], "Railroad Legislation," 339-55; Edward C. Kirkland, *A History of American Economic Life* (3rd ed., New York, 1951), 259-60.

Burlington counsel based his original plea for an injunction on three points of constitutional law: first, that the law of 1874, insofar as it applied to the C. B. & Q.'s Iowa line, impaired the obligation of contract between the state and the Burlington & Missouri River Railroad; secondly, that the law attempted to regulate interstate commerce; and finally, that the law of 1874 did not act uniformly upon all of the railroads in the state. In the first two instances, a violation of the federal Constitution was claimed; in the third, a violation of the Iowa Constitution.<sup>46</sup>

The charter of the Burlington & Missouri River Railroad, ran counsel's argument, had been granted under the terms of the general act of incorporation of 1850. No restrictions upon the rate-making power of the company had been included in the charter, and although all corporations were held subject to such "rules and regulations" as the legislature might from time to time impose, this could not be held to include stipulations as to rates. Rorer dwelt at some length on this last point, as it was the principal basis of his claim. It was perfectly clear to him that rate restrictions were not contemplated in the phrase, "rules and regulations." On other occasions, when the legislature actually intended to reserve the power of rate fixing, it made special mention of this fact. This was the case in the provisions for internal improvements in the Code of 1850, in the land-grant acts of 1868 known as the Doud Amendments, and in the railroad aid law of 1870.<sup>47</sup> In the absence of any specific reservation of authority by the state, it could be assumed that the legislature had intended to vest the power of rate making solely in the corporation.

Rorer then moved on to higher ground. A railroad corporation had all the rights of a natural person.

If a natural person has not the right to fix the price of his labor or services, this such person is not a free man — but is simply a

<sup>46</sup> Argument by David Rorer of counsel for complainant, January 5, 1875, *Burlington Archives*.

<sup>47</sup> *Ibid.*, 4-6. The Doud Amendments were added to land grants bestowed upon a number of Iowa railroads in 1868. They provided that each of the roads in accepting the grants would become subject "to such rules, regulations and rates of tariff for the transportation of freight and passengers as may from time to time be enacted and provided for by the General Assembly." *Laws of Iowa, 1868*, Chap. 13, sec. 2; Chap. 57, sec. 3; Chap. 58, sec. 1; Chap. 124, sec. 7. The Burlington & Missouri River did not receive one of the grants. A similar reservation was included in the Act of 1870 which provided for township aid to railroads. *Laws of Iowa, 1870*, 106. Harris to J. F. Barnard, Apr. 24, 1874, Harris, Out-Letters, v. 34.

slave. He may be made to serve for nothing, or for a price at which he will starve. Hence the free citizens of Iowa may fix their own price upon which they will labor for others; and railroad corporations being clothed with all the rights and powers of such citizens in that respect, may do the same. Inability to claim pay for services, or make contracts for, and to enjoy the price of one's own labor is prominently one of the great distinguishing features that constitute the difference of *status* betwixt a free person and a slave.<sup>48</sup>

This was strong argument, but it should be pointed out that it was not really constitutional law. It had a kind of "higher law" quality which was to typify the whole laissez-faire-constitutional argument associated with the period after the Civil War.

Rorer went on to argue that rate making was a matter of contract between the railroad and its customers. He denied that it could be held subject to mere "rules and regulations." The right of the C. B. & Q. to contract would clearly be limited and impaired by the law of 1874.<sup>49</sup> The legislature was attempting to alter the B. & M.'s charter without the consent of the owners and in open violation of the contract clause of the federal Constitution.

Counsel's remaining arguments were brief and easily stated. The Iowa statute of 1874 was in conflict with the Constitution of the United States because it attempted to regulate interstate commerce. The Iowa line of the Burlington was part of one continuous road from Chicago to the Missouri River and beyond. The traffic originating in Iowa as often as not crossed the state line and became a part of interstate commerce. The law of 1874 made no distinction between this business and local business. It placed its restrictions on one as well as the other. In consequence of this fact, it had infringed upon the powers of Congress which had exclusive jurisdiction over interstate trade. Furthermore, the law was contrary to the state Constitution of Iowa because it did not apply equally to all roads. Through a system of classification, the railroads of the state had been divided into three groups based upon capitalization and earnings. The bigger Class A roads, including the Burlington, were restricted to lower tariffs than were

<sup>48</sup> Rorer argument, 6.

<sup>49</sup> *Ibid.*, 8-9. The right to contract had been granted to the road with its charter. No appeal to any "higher law" was necessary. Whether or not the *right to contract* meant *freedom of contract* in Rorer's terms was another matter.



the Class B and C roads. Such discrimination, counsel maintained, was inconsistent with the state constitutional requirement that all general laws be uniform in their application.<sup>50</sup>

Rorer concluded his argument with a short plea in the name of free enterprise. The law of 1874, if permitted to stand, would open the door to regulation of all forms of labor. Such a contingency was not to be taken lightly, for it would put an end to free enterprise in the state of Iowa. "Stagnation" would be the inevitable result. The "alarmed-capital" argument was finding its way even into the courts.

Attorney General M. E. Cutts replied to railroad counsel with a simple denial of all contentions. The B. & M.'s charter did not give it exclusive power to fix charges; "rules and regulations" were intended to include rate controls; the act was not being enforced upon interstate commerce; the law was uniform in its application to all railroads in each of the three classes. Since all claims of unconstitutionality failed of proof, Cutts asked that the injunction be denied.<sup>51</sup>

The presiding judge of the Circuit Court of the United States for the District of Iowa was John F. Dillon, noted authority on municipal law and one of the leading jurists of the country. His recently published treatise on *Municipal Corporations* had shown him to be sympathetic to laissez-faire principles of political economy, while his record as a corporation lawyer would seem to align him with the business interests. The railroad had every reason to expect a friendly hearing from Judge Dillon's court.<sup>52</sup>

But on May 12, 1875, Dillon, with Justice Miller concurring, found in favor of Attorney General Cutts. The injunction had been sought principally on the grounds that the railroad had the exclusive power to fix its own rates, but this exclusive power was nowhere specifically granted. In a corporate charter nothing goes by implication. The terms of the charter must always be construed in favor of the public. Rate fixing in the case of railroads was undoubtedly a legislative power stemming from the public nature of the enterprise. The courts had always enforced it. It was true that the legislature might surrender this power by a contract with the road, but such a surrender could not be implied. In this case, the B. & M. was sub-

<sup>50</sup> The reference is to the Iowa 1857 Constitution, Article I, Sec. 6.

<sup>51</sup> C. B. & Q. v. Attorney General, 5 Fed. Cases, 594 (1875), 595.

<sup>52</sup> Clyde E. Jacobs, *Law Writers and the Courts* (Berkeley, Calif., 1954), 111-14.

ject to such "rules and regulations" as the legislature might later enact, and this might quite properly include stipulations as to tolls. As for the plea concerning the regulation of interstate commerce, the law of 1874 made no effort to fix the rates for traffic destined beyond the state. As for the claim that the law did not act uniformly upon all the railroads of the state, the judge could see good reason for a system of classification and found that the law worked with complete equality on all the roads within each class. The Act of 1874 was constitutional; the plea for an injunction was denied.<sup>53</sup>

Dillon's decision was only one of a series of judicial defeats suffered by the railroad and warehouse interests of the Middle West. By 1875 state and lower federal courts had upheld virtually all of the Granger legislation, and the Iowa law was not an exception. The owners of the Burlington were sadly disappointed by the failure of their case. O. H. Browning hastened to Boston to assure the leading board members that the case had been properly presented, and he convinced them that an appeal to the Supreme Court would result in a reversal of Dillon's decision.<sup>54</sup> Since the other Granger cases were being taken to Washington on appeal, Browning arranged to have the Iowa case heard in conjunction with them.<sup>55</sup> The railroads and their warehouse allies prepared for a final assault upon state legislative power.

To present their cases to the Supreme Court, the railroad and warehouse interests enlisted some of the most distinguished corporation lawyers in the nation: William M. Evarts, "the most outstanding member of the American bar"; William C. Goudy, "acknowledged leader" of the Chicago bar; C. B. Lawrence, former Chief Justice of the Illinois Supreme Court; Burton C. Cook and John W. Cary, leading corporation lawyers of the Middle West.<sup>56</sup> To make their final plea, the Burlington officers sent Orville H. Browning, a former Secretary of the Interior, and Senator F. T. Frelinghuysen of New Jersey, a future Secretary of State.

Burlington counsel's appeal was to be more than a mere repetition of its

<sup>53</sup> 5 Fed. Cases, 594 (1875).

<sup>54</sup> Browning, *Diary*, 2:419-20; Walker to Griswold, May 13, 1875, Walker, Out-Letters, v. 7.

<sup>55</sup> Browning, *Diary*, 2:428-9; Walker per Goddard to Griswold, May 26, 1875, Walker, Out-Letters, v. 7.

<sup>56</sup> Twiss, *Lawyers and the Constitution*, 66, 70, 78.

Circuit Court argument. The Granger litigation had done much to crystallize the thinking of capitalists on the subject of their rights with respect to the state. They were obviously concerned over the apparent failure of existing law to protect their property from unfriendly regulation; but they were also convinced that their cause was the cause of justice. "In my judgment," wrote Robert Harris in October of 1874, "every person is entitled to compensation earned whether that person is a stockholder in a Railroad or a flouring mill, and the people are no more entitled to the use of my property if invested in a Railroad than if invested in a steamboat or in any other business."<sup>57</sup> "However far the practices of R. R. Cos. may be open to criticism in other respects it seems to me that in this particular matter they are the champions of all property interests of every kind."<sup>58</sup> Charles Perkins prepared a memorandum in June of 1875 to the effect that "communism in any form is dishonest and unwise and utterly inconsistent with civilized progress. . . . The regulation of Railroad rates by the public amounts to taking the property of A and giving it to B and C."<sup>59</sup> Railroad attorneys agreed that there must be a limitation on the legislative police power in the constitutional guarantees of property.<sup>60</sup> In close collaboration with one another on all of the Granger cases, they prepared a momentous series of briefs on behalf of the property interests of the nation.<sup>61</sup>

The Burlington's appeal included virtually all of the points made in the Circuit Court. It continued to place great emphasis on the obligations of contract and actually presented two additional claims of impairment. There was an important addition, however, in counsel's contention that, in the absence of a provision for rate fixing in the charter, the owners of the road would be deprived of their property without due process of law if the Act of 1874 were enforced. The new arguments ran as follows:

In leasing the Burlington & Missouri, the C. B. & Q. had agreed to pay all debts of the lessee and to pay to the stockholders of the B. & M. the same dividends that it paid to its own shareholders. The Burlington had

<sup>57</sup> Harris to John H. Schermerhorn, Oct. 1, 1874, Harris, Out-Letters, v. 35.

<sup>58</sup> Harris to Jas. D. Wright, Oct. 30, 1874, *ibid.*, v. 35.

<sup>59</sup> Memorandum [June, 1875], Letterbook II, *Perkins Papers*.

<sup>60</sup> Twiss, *Lawyers and the Constitution*, Chap. IV.

<sup>61</sup> Walker to Sidney Bartlett, May 14, June 8, 1874; Walker to Denison, July 10, 1874, Walker, Out-Letters, v. 5; Browning, *Diary*, 2:390.

contracted to pay these obligations out of its revenues, and for this purpose the rates now charged by the company in Iowa were "barely adequate." If compelled to charge the freight rates and fares prescribed by the legislature, it would no longer be able to meet the terms of the lease. Its contract with the owners of the B. & M. would be seriously impaired. Furthermore, the rights of the bondholders were doubly endangered, because they had loaned their money to the B. & M. "in full confidence and belief" that the power of the company to fix its own rates "would never be denied or interfered with." Since the law of 1874 would make it impossible for the C. B. & Q. to pay the interest on this debt, the contract between the bondholders and the B. & M. would also be impaired. On two additional counts the legislature had violated the contract clause of the federal Constitution.<sup>62</sup>

The supposed inability of the Burlington to discharge its obligations faithfully under the law of 1874 was closely related to the most significant point added by counsel in the final appeal. As stated earlier, the enactment of a rate-control law might actually diminish the value of railroad property in the eyes of investors. Certainly if the restrictions were so stringent as to prevent the payment of dividends and even the payment of interest on the bonded debt, the credit rating of the road would decline and with it would fall the value of its stock and the resale value of its bonds. The owners of either would suffer a loss in the market value of their property. The question for judicial consideration was whether or not they would actually be *deprived* of their property. There was no question but that the owners of the Burlington believed their property impaired by the rate law of 1874.<sup>63</sup> Was there no legal remedy for this injustice? The corporation lawyers were convinced that there was. Browning and Frelinghuysen boldly asserted that, under the law of 1874, the owners of the Burlington would be deprived of their property without due process of law. Such a deprivation would violate section one of the Fourteenth Amendment.<sup>64</sup>

The assertion was a bold one, because it had never been tested in quite this form prior to the Granger cases, and because similar claims down to 1873 had been poorly received by the courts. It was a question of the legal

<sup>62</sup> C. B. & Q. v. Iowa, 94 U. S. Reports, 156-8.

<sup>63</sup> Walker to W. H. Falconer, Mar. 19, 1874; Walker to W. P. Hepburn, Mar. 2, 1874; Walker to Denison, Mar. 20, 1874, Walker, Out-Letters, v. 4; Harris to W. P. Hepburn, Mar. 20, 1874, Harris, Out-Letters, v. 33.

<sup>64</sup> C. B. & Q. v. Iowa, 94 U. S. Reports, 160.



implications of the word "property." Could a person whose property had lost some of its business value through a legislative act claim to have been *deprived* of his property?

The precedents for the most part said no. The point had come up repeatedly during the 1850's and 1860's in connection with a series of state prohibition laws. These laws, by restricting the sale of liquor in one way or another, had ruined or severely curtailed the business of numerous liquor dealers. The aggrieved parties challenged the constitutionality of the laws on the grounds that the states were depriving them of their property without just compensation or without due process of law. With one exception, where actual confiscation was involved, the state courts ruled that there had been no deprivation of property. Property, insofar as its value was recognized by the courts, was personal and not commercial. Liquor was valuable because it could be consumed and not because it could be sold for a profit. In most of the cases involved, the liquor dealers still retained full title to all the liquor in question; the liquor's innate value had been in no way diminished or impaired; only its sale had been restricted. Since the owners had no legal claim to the anticipated return or profit which its sale might bring, they could not claim any loss of property. In other words, the courts insisted on viewing property as a tangible object and not as a business asset.<sup>65</sup>

In 1873, however, the Supreme Court considered a temperance case on the grounds that a state prohibition law was in violation of the new Fourteenth Amendment. The case was a poor one, strained out of proportion to test a constitutional principle, but the court accepted it and handed down a significant opinion. The state, this time, was Iowa, and the prohibition was a provision in the Code of 1860.<sup>66</sup> A man named Bartemeyer claimed that he had been deprived of his property without due process of law when for-

<sup>65</sup> *The People v. Hawley*, 3 Mich., 330 (1854); *The People v. Thomas Gallagher*, 4 Mich., 244 (1856); *Lincoln v. Smith et al.*, 27 Vt., 328 (1854); *State v. Paul*, 5 R. I., 185 (1858); *State v. Keeran*, 5 R. I., 497 (1858); *Metropolitan Board of Excise v. Barrie*, 34 N. Y., 657 (1866). The exception is *Wynehamer v. The People*, 13 N. Y., 378 (1856), but the majority of the court based its decision upon the fact that many dealers were compelled to destroy their liquor. *Beebe v. The State*, 6 Ind., 501 (1855), may be a second exception, but the issue is not quite parallel. It should be pointed out that several of the cases first mentioned provoked vigorous dissents which clearly accepted the commercial value of the liquor as property worthy of protection.

<sup>66</sup> Actually, as the court pointed out, the prohibition went back at least to the Code of 1850.

bidden to sell whisky to Timothy Hickey in March of 1870. The plea was denied, but Justice Miller, in presenting the opinion of the court, declared that a restriction on the sale of liquor could conceivably be so rigid as to deprive a dealer of his property without due process; and Bradley, in a concurring opinion, agreed that a dealer might be entitled to compensation in such a case.<sup>67</sup> The highest court in the land seemed ready to consider the asset value of property as worthy of protection under certain circumstances.

*Bartemeyer v. Iowa* was the key decision in railway counsel's claim that the owners of the roads had been deprived of their property by the Granger laws. If a prohibition law might damage a liquor dealer's business in such a way as to deprive him of property without due process of law, might not a restrictive rate law do the same to the owners of a railroad? The point was cleverly taken. The distinction between the liquor control laws and the Granger laws was obvious. The liquor dealers had lost their right to do business; the railroads had merely lost a certain latitude in the fixing of their prices. But the analogy was not entirely groundless, if the Court accepted the businessman's concept of property as an asset.

All of Burlington counsel's new claims, however, were of the "higher law" type. Arguing almost without benefit of precedent and usually in open conflict with precedent, they made their appeal to the laws of trade rather than to the law reports. The law of 1874 would make it difficult for the railroad to meet its financial obligations, would impair its credit rating, would deprive a speculator of expected profit. This was bad for business, but it was not necessarily contrary to law. However just their cause might seem, they had a slender case from the standpoint of a legal purist.

The claims of railroad counsel with respect to property rights, however, were of considerable historical importance. With this argument the great industrial interests of the country were challenging the constitutional authority of state legislatures over prices. Obligations of contract were not directly involved here; it was purely a matter of the police power. This authority had never before been denied in a federal court, and, as far as can be determined, had never been challenged as a violation of the property right in any state court.<sup>68</sup> The simple act of price fixing, repeated by

<sup>67</sup> *Bartemeyer v. Iowa*, 18 Wall, 129 (1873).

<sup>68</sup> The only case found involving a direct challenge to the general power of price fixing is *Mobile v. Yuille*, 3 Ala., 137 (1837). In this case the defendant claimed his liberty had been impaired. The court refused to accept his plea.

American and English legislative assemblies for centuries, was alleged to deprive a businessman of his property without due process of law. The idea was a new one, and it was to prove tremendously successful as a guarantee of business freedom in the future.<sup>69</sup> It was the great innovation of the Granger cases.

C. B. & Q. v. Iowa, in summary, was an appeal from the United States Circuit Court for the District of Iowa to the Supreme Court on a writ of error. The appellants claimed that the lower court had erred in refusing to grant an injunction against the Attorney General of Iowa stopping him from prosecuting suits under the Act of 1874. This act, insofar as it applied to the Chicago, Burlington & Quincy Railroad, was held to be in violation of the Constitution of the United States because it would impair the obligations of contract implicit, first, in the charter of the Burlington & Missouri River; second, in the lease between the B. & M. and the Burlington railroad; and third, in the sale of bonds by the B. & M. Since there was no provision for rate control in the B. & M.'s charter, the act would deprive the owners of their property without due process of law. In addition to violating the rights of the C. B. & Q., the law would also infringe upon the powers of Congress with respect to interstate commerce, and it would run contrary to the Constitution of Iowa by failing to treat all railroads in the state equally. The Attorney General denied each of the claims made by railroad counsel.

The Supreme Court heard the case on January 11, 12, and 13, 1876;<sup>70</sup> and, after considerable delay, rendered its decision on March 1, 1877.<sup>71</sup> The majority of the Court, speaking through Chief Justice Morrison R. Waite, upheld the decision of the Circuit Court and handed down an opinion entirely consistent with existing precedent. A railroad was incorporated as a carrier for hire to serve the public. It was engaged in a public employment affecting the public interest. It was subject to legislative control as to rates of fare and freight unless it was protected by its charter. The B. & M. had been incorporated under the general corporation act of Iowa and was subject to all rules and regulations that the General Assembly might enact and provide. Until the legislature prescribed its rates, the rail-

<sup>69</sup> Twiss, *Lawyers and the Constitution*, 76-7.

<sup>70</sup> Browning, *Diary*, 2:437.

<sup>71</sup> Elwin W. Sigmund, "The Granger Cases: 1877 or 1876?" *American Historical Review*, 58:571 (April, 1953).

road could fix its own charges, so long as these charges were reasonable as determined by the courts; but whenever the legislature stepped in, the latter's power over rates was complete. This power might have been limited by charter, but in this case it had not been. "The company invested its capital, relying upon the good faith of the people and the wisdom and impartiality of legislators for protection against wrong under the form of legislative regulation."<sup>72</sup>

It made no difference, said Waite, that the road had been leased or that its income was pledged as security for debts. The company could not grant or pledge more than it had to give. The obligations to pay dividends and interest on the bonds were all assumed, subject to the provision that the legislature might at any time place restrictions upon the company's tolls. No contract rights had in any way been impaired. Similarly, the claim that the owners were deprived of their property without due process of law was without foundation. The Court did not even think it worthy of discussion.

The Court was no more sympathetic to the remaining claims. The law did not apply to interstate commerce, and the legislature might regulate the rates of the B. & M. "for promotion of the general welfare of Iowa" even though outsiders might be indirectly affected. The classification of roads was perfectly permissible, and the act applied with complete uniformity within each class. Judge Dillon's verdict was affirmed; the appeal of the Burlington was denied.<sup>73</sup>

Railroad counsel may have taken some comfort from the vigorous dissenting opinions of Justice Stephen J. Field. In the parallel case of *Munn v. Illinois*, Field, with Justice William Strong concurring, had found the majority opinion "subversive of the rights of private property."<sup>74</sup> He had agreed completely with the arguments of warehouse counsel and had accepted the asset conception of property upon which it was based. All the benefits of property, he insisted, derived from the fruits of its use, and the owner suffered a loss to the extent that these fruits were diminished.<sup>75</sup> In dissenting after each of the railroad cases, Field gave recognition to the

<sup>72</sup> *C. B. & Q. v. Iowa*, 94 *U. S. Reports*, 162.

<sup>73</sup> *Ibid.*, 162-4.

<sup>74</sup> 94 *U. S. Reports*, 136.

<sup>75</sup> *Ibid.*, 141.



"alarmed-capital" argument. "The questions thus presented are of the gravest importance, and their solution must materially affect the value of property invested in railroads to the amount of many hundreds of millions, and will have great influence in encouraging or repelling future investment in such property."<sup>76</sup> By refusing to define the power of the state over railroad corporations, he continued, the majority had placed the companies at the mercy of the legislatures. What was the value of the contract clause if its spirit could be violated whenever the legislature wished to reduce a company's revenues? Of what worth was the Fourteenth Amendment if the true value of property could be nullified by the state at any time?<sup>77</sup> But Field was speaking only in dissent. The majority had not accepted the "higher law." The railroads had challenged the state police power and lost.

Ultimately the claims of railroad and warehouse counsel would prevail. The assault on the legislative power over prices was not finished; it had only begun. Before the end of the century a majority of the Supreme Court would accept the "asset" conception of property and write it into the Constitution.<sup>78</sup> But for the moment nothing was changed. Railroad rates were under the control of state legislatures as they had always been, unless freedom from control was specified in the charter. *C. B. & Q. v. Iowa* and the other Granger cases were decided by majorities that still accepted a traditional interpretation of the law.

It was a tradition, however, that would soon end, and its passing was predicted by the Granger decisions. Seldom have members of the Supreme Court been so far apart on an interpretation of basic law. Waite and Field had found no common ground; their disagreement was complete. But it was also a reflection of a changing balance of power in American society. Waite's opinion provided a remarkable history and summation of a common-law tradition established in England by land-holding aristocrats who distrusted men of trade. It was virtually the last judicial recognition of this tradition in the United States. Field's dissent, on the other hand, was a fitting introduction to a new tradition. The law as well as the politics and economics of the future was to be dominated by the new commercial and

<sup>76</sup> *Ibid.*, 184.

<sup>77</sup> *Ibid.*, 183-7.

<sup>78</sup> John R. Commons, *Legal Foundations of Capitalism* (New York, 1924), 12-21.

industrial men of the country who had a considerably different conception of property rights. The ideas of justice advanced by the Burlington managers and their lawyers during the troublesome years of the Granger movement would come to dominate. In this sense, the Granger cases were an important watershed in the history of American constitutional law.

## JOHN BEACH AND THE REMOVAL OF THE SAUK AND FOX FROM IOWA

By Donald J. Berthrong\*

The westward rush of American settlers following the War of 1812 created an almost insatiable demand for land. The population of the North Central States had reached a total of approximately a million and a half persons in 1813, but during the next decade the same section more than doubled its population, totaling about three and a third million people.<sup>1</sup> Iowa Territory's inhabitants were estimated in 1836 to be 10,531, and they increased in 1838 to 22,859. By 1840 Iowa Territory had 43,112 settlers, and in the following decade an average of 15,000 pioneers arrived annually.<sup>2</sup> Among the Indians trapped by the inundation of settlers were the Sauk and Fox, earlier powerful and warlike confederated tribes speaking the Algonquian language and residing in the Wisconsin-Illinois country. Frontier wars had decreased the numbers of warriors, and an aimless life plus disease and debauchery had taken its toll. Once proudly defiant, now abjectly dependent, by 1840 the Sauk and Fox were cleared from Iowa with ease and dispatch, because their leaders had recognized the overpowering strength of the whites.

The Black Hawk War of 1832 was but the culmination of a train of events which led to the final exclusion of the Sauk and Fox from their lands east of the Mississippi River. When the forces of General Henry Atkinson pinned the Black Hawk band against the eastern bank of the Mississippi at Bad Axe Creek, the fate of the tribes was sealed. After the brutal slaughter, only one hundred and fifty of the original thousand of Black Hawk's followers survived; more important, any further resistance was demonstrated as futile.<sup>3</sup> Although a majority of the confederated Sauk

\*Donald J. Berthrong is assistant professor of history at the University of Oklahoma.

<sup>1</sup> Frederick Jackson Turner, *The United States, 1830-1850* (New York, 1935), 258.

<sup>2</sup> Cardinal Goodwin, "The American Occupation of Iowa, 1833 to 1850," *IOWA JOURNAL OF HISTORY AND POLITICS*, 17:101 (January, 1919).

<sup>3</sup> Ray Allen Billington, *Westward Expansion: A History of the American Frontier* (New York, 1950), 298-301.

and Fox tribes remained neutral during the Black Hawk War, the subsequent treaty affected the entirety of the tribes as a punishment for "an unprovoked war upon unsuspecting and defenceless citizens of the United States."<sup>4</sup>

At Fort Armstrong, at Rock Island, Illinois, in 1832, the Sauk and Fox confirmed previous treaties of 1804 and 1816 which had ceded their lands east of the Mississippi River to the United States. In addition, a strip of land in Iowa averaging fifty miles in width, from the Neutral Ground on the north to the state line of Missouri, was ceded to the national government. Keokuk's loyalty to the United States during the recent troubles was rewarded by the setting aside for him and his band of four hundred square miles astride the Iowa River within the ceded area of Iowa Territory.<sup>5</sup> The original cession far from satisfied the demands for land in Iowa Territory. In 1836 Keokuk's Reserve was purchased, and a year later 1,250,000 acres were added to the lands from which Indian title had been quieted.<sup>6</sup>

Although the laws of the United States had prohibited settlement before the public domain had been surveyed, settlers numbered more than ten thousand in Iowa Territory when the initial survey was begun in 1836.<sup>7</sup> Squatters grouped together in land leagues, land clubs, and claims associations to protect choice sites until the time for purchase arrived. One hundred or more of these organizations existed in Iowa Territory, and they manifested the determination of the settlers to hold and possess the unoccupied public domain and Indian lands in Iowa Territory.<sup>8</sup> As had happened countless times before on the American frontier, the Indian Agent was caught between his duty to protect the Indian land from intrusion and the incessant demand of the whites for additional cessions. The supervision of the final withdrawal of these tribes from lands in the Mississippi Valley fell to the lot of John Beach, last of the Sauk and Fox Indian Agents in Iowa Territory.

John Beach, the successor of his father-in-law, Joseph Montfort Street,

<sup>4</sup> Charles J. Kappler, *Indian Affairs: Laws and Treaties* (3 vols., Washington, 1904-1913), 2:349. (Hereafter cited as Kappler, *Laws and Treaties*).

<sup>5</sup> *Ibid.*, 2:349.

<sup>6</sup> *Ibid.*, 2:474-5, 495-6.

<sup>7</sup> Roscoe L. Lokken, *Iowa Public Land Disposal* (Iowa City, 1942), 67-8.

<sup>8</sup> Jesse Macy, *Institutional Beginnings in a Western State* (Johns Hopkins Univ. Studies in Historical and Political Science, Vol II, No. 7, Baltimore, 1884), 5-38; Lokken, *Iowa Public Land Disposal*, 79-96; Billington, *Westward Expansion*, 476.



inherited the problems which had faced the Sauk and Fox agents since the appointment of Nicolas Boilvin in 1806. Beach was born in Gloucester, Massachusetts, February 23, 1812, educated in New Hampshire, and graduated from the United States Military Academy in 1832. After serving on the frontier at Fort Armstrong, Fort Crawford, Jefferson Barracks, and as a recruiting officer in New York City, he resigned his commission on June 30, 1838, because of a partial failure of hearing. At the time of his appointment as Indian Agent to the Sauk and Fox in May, 1840, he was in the United States Land Office at Dubuque. Approximately a year before his resignation from the army, Beach had married Lucy Frances Street at the Street home in Prairie du Chien. According to family tradition, Beach was described as "Talkative, versatile, and instable in character," and was often at odds with his in-laws.<sup>9</sup> Much to the consternation of his brothers-in-law, one of whom was among the applicants, Beach received the appointment as Sauk and Fox Agent.<sup>10</sup>

Squatters and intruders on Indian land were only one of the many problems facing the Indian Agent. Inter- and intratribal conflicts and disputes, regulation of Indian traders, clashes with territorial officials, and supervision of Indian treaties and councils all demanded the attention of the busy Indian Agent. During the five years that Beach was Indian Agent to the Sauk and Fox in Iowa Territory, he encountered all of these problems which on many an occasion caused him no end of trouble.

Hardly had Beach assumed the duties of the office when internal differences broke out into the open among the Sauk and Fox. The difficulties stemmed from a variety of sources, namely: a struggle for Sauk and Fox trade among various Indian traders; jealousy of Keokuk by leaders of the old Black Hawk band; alleged favoritism of Street to the American Fur Company (actually, after 1838, Pierre Chouteau, Jr., and Company); and the clash between Robert Lucas, Governor of Iowa Territory, and Street and later Beach. Formal charges were sent to the War Department by William W. Chapman, territorial Delegate to Congress, stating that the American Fur Company had "undue influence over the agent," because

<sup>9</sup> Charles Negus, "Early Times in Iowa," *Annals of Iowa* (1st series), 12:95 (April, 1874); *The History of Polk County, Iowa* (Des Moines, 1880), 40; Ida M. Street, "Joseph M. Street's Last Fight with the Fur Traders," *Annals of Iowa* (3rd series), 17:135 (July, 1929).

<sup>10</sup> Street, "Joseph M. Street's Last Fight with the Fur Traders," 147; T. Hartley Crawford to John Beach, May 30, 1840, Records of the Office of Indian Affairs, Letters Sent, 28:419 (National Archives). (Hereafter cited, R.O.I.A., Letters Sent.)

Street paid accounts owed to the Company without first checking their accuracy. Chapman further claimed that the Indians were deceived by being allowed to select paper money according to the size of the piles and not according to denomination, thus permitting some of the Indians to receive more money than others. It was also charged that the American Fur Company maintained its favored position with the chiefs by allowing Keokuk, Wapello, Appanoose, and Poweshiek to charge goods to the account of the whole tribe.<sup>11</sup> Shortly before the death of Street, however, the War Department found Street's answers to the allegations "perfectly satisfactory," and the episode was seemingly closed.<sup>12</sup>

Undoubtedly with the support of J. P. Eddy, one of the disgruntled traders, Keokuk's rivals, led by Hardfish, and including the widow and sons of Black Hawk, established a new village contrary to the provisions of the Treaty of 1832 signed at Rock Island, Illinois.<sup>13</sup> The new village was located some twenty miles farther up the Des Moines River from the old villages near the agency which was on the site of Agency City, Iowa. T. Hartley Crawford, Commissioner of Indian Affairs, regretted the establishment of the new village which, he pointed out, was contrary to the eighth article of the Treaty of 1832. Although he had no specific advice to give Beach, he cautioned that the Hardfish party should be given no "pretense of excuse for dissatisfaction."<sup>14</sup>

Tensions continued to mount as the time for the payment of annuities approached. Rumors circulated that Beach was to be replaced, Keokuk removed from his position of leadership, and the money distributed as the Hardfish party desired. Beach maintained that most of the trouble arose from the interference "of designing white men and half breeds in their [Sauk and Fox] local and domestic affairs."<sup>15</sup> Contrary to the desires of

<sup>11</sup> William W. Chapman to Joel R. Poinsett, Secretary of War, Nov. 29, 1839, in "Letters of W. W. Chapman," *Annals of Iowa* (3rd series), 22:334-5 (April, 1940).

<sup>12</sup> Crawford to Robert Lucas, Apr. 25, 1840, R. O. I. A., Letters Sent, 28:309.

<sup>13</sup> Beach to Crawford, June 24, 1840, MSS. Letterbook of John Beach, 2-5. The manuscript letterbook of John Beach is in the possession of the Oklahoma Historical Society, Oklahoma City, Okla. (Hereafter cited as Beach Letterbook.) In 1840 there were three licensed traders to the Sauk and Fox: J. P. Eddy and Company at Hardfish's village; Pierre Chouteau, Jr., and Company, about one-half mile below Eddy's post on the Des Moines River; and W. G. and G. W. Ewings' post at Sugar Creek on the Ottumwa side of the Des Moines River. See Ruth A. Gallaher, "Indian Agents in Iowa," *IOWA JOURNAL OF HISTORY AND POLITICS*, 14:386 (July, 1916).

<sup>14</sup> Crawford to Beach, Aug. 18, 1840, R. O. I. A., Letters Sent, 29:154-5.

<sup>15</sup> Beach to Crawford, Aug. 6, 1840, Beach Letterbook, 20-24.

Keokuk and the other recognized chiefs, Francois Labussier, a quarter or half-breed, circulated among the tribes and took a population census which established that the Sauk and Fox numbered only 2,299 as compared with the 4,396 given in Street's last report.<sup>16</sup> Further embarrassment was caused by the action of Governor Lucas who told the Hardfish group when they visited him at Burlington, then the territorial capital of Iowa, that they would be paid individually. Confronted with this statement by the Indians, Beach could only assert that the interpreter had "basely lied" by translating the Governor's words in such a manner.<sup>17</sup>

With the Indian Agent opposing the Governor of Iowa Territory, and later also the Iowa territorial legislature in this controversy, the Commissioner of Indian Affairs tried to maintain a neutral position, probably out of respect to the power of the Indian traders among the officers of the national government. Commissioner Crawford noted that the Treaty of 1832 provided that the warriors and the people of the hostile group were to be divided among the villages of those who remained neutral and that no separate village led by a warrior or chief of the Black Hawk band should be established. To hedge, however, the Commissioner could find no bar to the individual payment, if the majority of the Indians so desired.<sup>18</sup> Commissioner Crawford's attempt to maintain a middle ground was also evident when Governor Lucas undoubtedly accused William Phelps, an agent of Pierre Chouteau, Jr., and Company, of selling whisky to the Indians. In reply to the complaint Crawford defended Chouteau's company, stating that, "The leading men of that concern are persons of good standing and character, who would not individually, I am sure, be concerned in introducing or selling whiskey to the Indians, but they may be deceived by the Subordinate Agents, over whom it is right and proper to keep a strict watch."<sup>19</sup> When Beach opened the cache from which the whisky was allegedly sold, it was found to contain "Hog Lard," convincing him that the agent of the Chouteau company was not selling liquor to the Indians.<sup>20</sup>

<sup>16</sup> Beach to Crawford, Aug. 7, 1840, *ibid.*, 24-5; Lucas to Crawford, Oct. 23, 1840, in "Indian Affairs of Iowa in 1840," *Annals of Iowa* (3rd series), 15:264 (April, 1926). One can find many variants in the spelling of Labussier's name. In government documents it varies from Labussir to Labussar, and in secondary sources one finds it spelled Labashure, Laboussiere, Labussiere, and Labusier.

<sup>17</sup> Beach to Lucas, Aug. 10, 1840, Beach Letterbook, 25-6.

<sup>18</sup> Crawford to Lucas, Nov. 19, 1840, R. O. I. A., Letters Sent, 29:376-8.

<sup>19</sup> Crawford to Lucas, Aug. 18, 1840, *ibid.*, 29:155-9.

<sup>20</sup> Beach to Lucas, Aug. 21, 1841, Beach Letterbook, 28-9.

Rather than risk further delay in paying the Indians the annuity money due them under treaty, the officials brought the funds to the Agency for distribution. Major Joshua Pilcher, Superintendent of Indian Affairs at St. Louis, arrived with the money and announced the payment for September 28, 1840, at the latest.<sup>21</sup> As a last resort, a full council of the Sauk and Fox was called on September 27, when Governor Lucas, Agent Beach, Keokuk, and Hardfish spoke. Neither faction of the Indians would compromise. When the council was breaking up, Keokuk was subjected to a violent harangue by Wa-sa-ma-sa, the second son of Black Hawk. Relating the incident to Commissioner Crawford, Beach said that he had heard from "reputable sources" that Keokuk would have been killed if he had not remained unmoving and unresisting while the abuse was heaped upon him by Black Hawk's son.<sup>22</sup> Failure was finally recognized when Major Pilcher left the council grounds on September 28, after Beach feared that any further attempts at payment would only result in bloodshed.<sup>23</sup>

After the failure of the payment, Governor Lucas in a lengthy report made clear his views of the causes of the internal strife within the Sauk and Fox nations. At the bottom of the complaints made by the dissatisfied faction was the favoritism and control of the recognized chiefs, Keokuk, Wapello, Appanoose, and Poweshiek, by the Chouteau firm still commonly called the American Fur Company by contemporaries. When the annuity of 1839 fell into the hands of Chouteau's firm, instead of being applied to the debts of the whole tribe with other traders, the division resulted. Hardfish and Pashepaho published a notice in the *Burlington Gazette* warning that the chiefs were no longer to be trusted as leaders of the Sauk and Fox.

When the factionalism continued, the successors of the American Fur Company staged a council in May, 1840, designed to maintain its pre-eminent trading position. A petition asking for the continuation of the payment to the chiefs was circulated and signed, containing 503 names, but upon examination Lucas claimed that the list included 356 names of women and children not entitled to vote on such matters. Lucas charged that by playing favorites the Chouteau traders had maintained a position of control in the tribe and that the Hardfish party was attempting to break this control. According to Lucas, the appointment of Beach only intensi-

<sup>21</sup> Beach to Crawford, Oct. 2, 1840, *ibid.*, 56-63.

<sup>22</sup> *Idem.*

<sup>23</sup> *Idem.*



fied the hard feelings by "interference with the inhabitants of the new town, his attachment to the interests of the American Fur Company, and the preference that [he] on all occasions shows to the company chiefs (as they are called) frequently insulting and abusing those of the independent party."<sup>24</sup> It was obvious that Lucas thought that the payment could have been made except for the interference by the officials of Pierre Chouteau, Jr., and Company. Pierre Chouteau, Jr., accompanied by Major J. F. A. Sanford and D. D. Mitchell from St. Louis, George Davenport and his brother, Marmaduke S. Davenport, Antoine Le Claire from Rock Island, S. S. Phelps from Oquawka, Illinois, and William Phelps, trader among the Sauk and Fox, represented the firm at the council.<sup>25</sup>

After the council, Governor Lucas visited Hardfish's village and found that it contained 527 inhabitants from 124 families residing in 27 lodges. S. S. Phelps and Major Sanford accompanied the Governor, but the representatives of Chouteau would not agree to the terms of the independent faction, for they thought their demands too high. Lucas examined the accounts of J. P. Eddy, the Indian trader at Hardfish's village, whom Beach claimed dishonest, and found them correct, indicating Beach's sympathy, like that of his father-in-law, for the Chouteau firm's continued control of the Sauk and Fox trade.<sup>26</sup>

Despite the recommendation of the Office of Indian Affairs, a memorial from the Iowa territorial legislature, and the order of the Governor that the money be paid to the Indians according to the numbers of individuals in the two factions, Beach still withheld the payment.<sup>27</sup> Gathering the Indians at the Agency in January, 1841, Beach found Keokuk, representing Wapello, Appanoose, and Poweshiek, demanding payment to the chiefs, while Hardfish insisted on payment to individuals.<sup>28</sup> As the deadlock continued, the feud between Lucas and Beach took on new directions.

Subordinates of Governor Lucas were now accused by Beach of violating Indian Office regulations. Jeremiah Smith, erstwhile miller at the Sauk and Fox mills, and a personal friend of Lucas, was accused of trading illegally

<sup>24</sup> Lucas to Crawford, Oct. 23, 1840, in "Indian Affairs of Iowa," 256-60.

<sup>25</sup> *Ibid.*, 260.

<sup>26</sup> *Ibid.*, 272, 274.

<sup>27</sup> Crawford to Lucas, Nov. 19, 1840, R. O. I. A., Letters Sent, 29:377; John Carl Parish, *John Chambers* (Iowa City, 1909), 170; Beach to Joshua Pilcher, Oct. 20, 1840, Beach Letterbook, 68-9.

<sup>28</sup> Beach to Crawford, Jan. 23, 1841, Beach Letterbook, 94-7.

with the Indians.<sup>29</sup> John Goodell, interpreter for Governor Lucas, according to Appanoose, sold the flooring of Appanoose's cabin to a trader without the chief's consent.<sup>30</sup> More seriously, Beach accused Lucas of attempting to destroy the influence of the Agent among his charges and of publicly reading letters intended for the Commissioner of Indian Affairs without first acquiring his approval. When Governor Lucas continued to insist upon the payment, Beach regretted "that legal necessity subjects me to the caprices of so unreasonable a superior."<sup>31</sup>

Differences began to abate when Robert Lucas, after a stormy political career in Iowa Territory, was replaced by John Chambers as Governor of Iowa Territory. It became evident that Beach and Chambers could work in close liaison, for Chambers manifested an unmistakable appreciation of the Indian problem and attempted to make himself competent on their condition as rapidly as possible.<sup>32</sup> Before the summer of 1841, the factional differences had in large measure been settled, but when Beach went to St. Louis to obtain the annuity money, orders had been issued to Joshua Pilcher to withhold the funds. Since the officials of the federal government anticipated a treaty with the Sauk and Fox for a land cession in the fall of 1841, it was decided to make the payment at that time.<sup>33</sup> When the treaty attempt did occur in the fall of 1841, the annuity was paid to the Indians according to the demands of the Hardfish faction, individuals instead of chiefs receiving the money.<sup>34</sup>

Congress was periodically petitioned by the Delegates to Congress from Iowa Territory to remove the Indians farther to the west. William W. Chapman, first Iowa territorial Delegate to Congress, inquired on January 15, 1839, what steps had been taken to acquire more land from the Sauk and Fox. He urged immediate removal, because as the Indians enjoyed additional improvements they would be more reluctant to sell and move on.

<sup>29</sup> Beach to Crawford, Nov. 13, 1840, *ibid.*, 76-82.

<sup>30</sup> Beach to Crawford, Jan. 15, 1841, *ibid.*, 91-3.

<sup>31</sup> Beach to Crawford, Oct. 6, 1840, Feb. 2, 1841; Beach to Lucas, Feb. 2, 1841, *ibid.*, 66-7, 100-103, 103-104.

<sup>32</sup> Beach to Crawford, June 25, 1841, *ibid.*, 138-42.

<sup>33</sup> Parish, *Chambers*, 173-4; Beach to Crawford, June 25, 1841, Beach Letterbook, 138-42; Crawford to Pilcher, Mar. 1, 25, 1841, R. O. I. A., Letters Sent, 30:146-7, 186.

<sup>34</sup> *Report of the Commissioner of Indian Affairs, 1841*, Senate Documents, 27 Cong., 2 Sess. (5 vols., Washington, 1842), 1:275. In the settlement, Keokuk's group received \$24,000, Hardfish's faction, \$16,000. Gallaher, "Indian Agents in Iowa," 386.

Since "we have a population of forty thousand upon what is called the 'Black Hawk' Purchase," Chapman assumed that additional land was necessary to satisfy the land hunger of the incoming settlers.<sup>35</sup> When Augustus C. Dodge became Iowa Territory's Delegate to Congress, he urged the removal of the Indians on more altruistic grounds. Dodge emphasized that the country around the Indians was rapidly filling with pioneers, the presence of whom led to evils and the degeneration of the Indians.<sup>36</sup> Apparently, by 1841, the Office of Indian Affairs conceded the validity of the arguments expressed by Iowa Territory's representatives. Commissioner Crawford acknowledged that "the necessity of this movement, at no remote day is manifest. The interest of the Indians' require that they should be rid of the contaminating influences which attend proximity to rapidly increasing settlements of whites. The citizens of the Territory have a right to expect that, its growth will not long be retarded by the occupancy of so large and valuable tract of land within its limits by a people not amenable to their laws, whose wild and savage character render them dangerous neighbors."<sup>37</sup> Pilcher, therefore, was instructed to initiate negotiations for land south of the Missouri River to which the Sauk and Fox could be removed.<sup>38</sup> Within a month the Washington officials changed their minds, and the Indians' removal was planned to a Northern Indian Territory in which it was hoped many tribal remnants from the North Central States could be concentrated.<sup>39</sup>

Iowa's pioneer settlers knew the value of the Sauk and Fox lands which, in the opinion of Beach, were the equal if not the superior of any lands north of the Missouri River, since they contained all the requisites of a frontier agricultural economy: water, timber, and fertility.<sup>40</sup> As Indian agent, Beach had little sympathy for the settlers encroaching upon the Sauk and Fox lands. In the middle of the summer of 1840, Beach suggested the sale or lease of the Sauk and Fox mills on Soap Creek to William Phelps, Chouteau's agent, rather than allow the property to fall into the hands of "the hosts of vagabonds who are daily crowding into the Indian country in

<sup>35</sup> Chapman to Crawford, Jan. 15, 1839, "Letters of W. W. Chapman," 332-3.

<sup>36</sup> Augustus C. Dodge to Joel R. Poinsett, Feb. 15, 1841, in Bloomington *Herald*, May 7, 1841.

<sup>37</sup> Crawford to Pilcher, Mar. 1, 1841, R.O.I.A., Letters Sent, 30:146.

<sup>38</sup> *Ibid.*, 146-7.

<sup>39</sup> Crawford to Pilcher, Mar. 25, 1841, *ibid.*, 30:186.

<sup>40</sup> Beach to Crawford, Sept. 3, 1840, Beach Letterbook, 41-6.

defiance of all law, many of whom with a sole view to be ready to pounce upon the property whenever the land shall be relinquished by the Sac and Fox."<sup>41</sup>

In the fall of 1840, Beach initiated one of his many efforts to protect the Sauk and Fox lands from intrusion. Notices were prepared and posted, warning that any person found on Indian lands after October 20, 1840, would be expelled by troops.<sup>42</sup> Beach had no antipathy for those whom he called the "hardy pioneer," but many of the intruders were in his opinion of "depraved and lawless character" who sold the Indians whisky while plundering them of their horses and other necessities.<sup>43</sup>

Beach's action received the hearty approval of the Washington officials, but when he made a survey of the reservation to ascertain the effectiveness of the warning he found that it had enjoyed varying degrees of success. The Agent quickly established the fact that while some families had moved as requested, others were prevented from moving by inclement weather and sickness, and many had "determined not to remove until forcibly expelled." In addition to intruders in the Des Moines River valley, clusters of settlers were also found living along the Iowa-Missouri boundary, where they claimed a right to residence because of Missouri's title to the land. Even if taken to court under the law which provided for a thousand dollar fine, Beach doubted if the fine could be collected, because the settlers were poverty stricken.<sup>44</sup> Conditions were not much improved when Chambers took office, for the squatters continued to cause difficulties. Increased contact between the Indians and the whites, Beach told Chambers, "affords ground for many outrages against the Indians, and I am sorry to add that some of these settlers are believed to have carried on the nefarious practice of furnishing the Indians with whiskey, often robbing them, in exchange for it, of their most necessary possessions." Only a few of the settlers, warned late in the fall of 1840, abandoned their clearings, but Beach could make no further attempt, because the Department had issued no new instructions to implement the law's intent.<sup>45</sup>

With additional pressure being created yearly for the removal of the

<sup>41</sup> Beach to Crawford, Aug. 1, 1840, *ibid.*, 15-18.

<sup>42</sup> Beach to Crawford, Sept. 7, 1840, *ibid.*, 48-50. Many contemporaries and Beach used the spelling of Sac, which is acceptable.

<sup>43</sup> Beach to Crawford, Sept. 3, 7, 1840, *ibid.*, 41-6, 48-50.

<sup>44</sup> Beach to Crawford, Nov. 18, 1840, *ibid.*, 82-4.

<sup>45</sup> Beach to John Chambers, May 20, 1841, *ibid.*, 120-27.



Indians from Iowa, the federal government began to develop its policy of creating two Indian Territories in the West upon which to place the Indians. One Territory would approximate the present area of Oklahoma and would be balanced by another Territory centered between the Minnesota River, then named St. Peter's River, and the northern boundary of the state of Iowa. As a preparatory step to treating with the Sauk and Fox, James Duane Doty, newly appointed Governor of Wisconsin Territory, was commissioned by the United States officials to obtain a cession of land from the Sioux on the Minnesota River.<sup>46</sup> It was anticipated that when this preliminary move had been taken, the Sauk and Fox, the Winnebago, the Chippewa, and the Potawatomie could be placed upon those northern lands, in addition to other Indians who had once resided in the Old Northwest. Doty was instructed to obtain enough land for slightly more than thirty-six thousand Indians for whom the Secretary of War estimated five million acres would be required.<sup>47</sup>

When Doty completed his mission to the Sioux, he joined Governor Chambers and T. Hartley Crawford as commissioners to negotiate a treaty with the Sauk and Fox.<sup>48</sup> Urged to complete the treaty with as much speed as possible, the commissioners met with the confederated tribes on October 15-17, 1841.<sup>49</sup> Many obstacles arose in the councils. The Sauk and Fox were reluctant to move so near their traditional enemies, the Sioux, with whom they had carried on long and bloody intertribal wars. Assurances that the government would build a string of forts to maintain the peace did not dispell the Indians' fears. Keokuk, in addition, said that the Sauk and Fox were well acquainted with the area which the government offered them and called it a "country in distress."<sup>50</sup>

Acting unanimously, the Sauk and Fox chiefs rejected the government's offer to buy their Iowa lands for a million dollars.<sup>51</sup> In rejecting this treaty

<sup>46</sup> Alice Elizabeth Smith, *James Duane Doty: Pioneer Promoter* (Madison, Wisc., 1954), 257.

<sup>47</sup> Crawford to James D. Doty, May 10, 1841; John Bell to John Chambers, May 10, 1841, R. O. I. A., Letters Sent, 30:259-60, 260-65.

<sup>48</sup> Smith, *Doty*, 259.

<sup>49</sup> *Report of the Commissioner of Indian Affairs, 1841*, 270-75, contains a report of the council with the Sauk and Fox.

<sup>50</sup> *Ibid.*, 271, 273. Doty's treaty with the Sioux was overwhelmingly rejected by the Senate, as it became entangled in Whig politics. See Smith, *Doty*, 259-62.

<sup>51</sup> Without exception the chiefs of the Sauk and Fox rejected the treaty. Hardfish, for example, ended his short statement with the words, "we do not want to hear any new proposals." *Report of the Commissioner of Indian Affairs, 1841*, 273.

a most moving appeal was voiced by Wapello who spoke with simplicity and dignity to the commissioners.<sup>52</sup>

You said you were sent by our great father to treat with us and buy our land. We have had a council, and are of one opinion. . . . It is impossible for us to subsist where you wish us to go. We own this country by occupancy and inheritance. It is the only good country, and only one suitable for us to live in on this side of the Mississippi River; and you must not think hard of us because we do not wish to sell it. We were once a powerful, but now a small nation. When the white people crossed the big water and landed on this island, they were then small as we now are. I remember when Wisconsin was ours; and now it has our name: we sold it to you. Dubuque was once ours: we sold that to you. And they are occupied by white men who live happy. Rock Island was the only place where we lived happily: and we sold that to you. This is all the country we have left; and we are so few now we cannot conquer other countries. You now see me and all my people. Have pity on us; we are but few, and are fast melting away. If other Indians had been treated as we have been, there would be none left. This land is all we have; it is our only fortune. When it is gone, we shall have nothing left. The Great Spirit has been unkind to us, in not giving us the knowledge of the white men, for we would then be on an equal footing; but we hope he will take pity on us.

The press of Iowa claimed that the Indians came to the council disposed to sell their lands, but that their attitude changed quickly to opposition.<sup>53</sup> Among the factors preventing the sale was the elimination of the traders' influence over the Indians by Governor Chambers, who feared they would prevent the successful conclusion of the treaty.<sup>54</sup> Unable to consult with those whom they trusted, the Indians became suspicious of the motivation of the government. The chiefs and braves had plenty of ready cash for necessities and whisky, for both the annuities of 1840 and 1841 were paid to the tribes. Beach made it clear that he had little hope of ever removing the Indians to an area where they would be in close proximity to the Sioux. Despite the disappointment to thousands of anxious pioneers, the Iowa

<sup>52</sup> Speech as found in *ibid.*, 273.

<sup>53</sup> *Bloomington Herald*, Oct. 22, 1841.

<sup>54</sup> Parish, *Chambers*, 174; *Bloomington Herald*, Oct. 22, 1841; *Report of the Commissioner of Indian Affairs, 1841*, 275-7; Chambers to Crawford, Aug. 2, 1841, in "Indian Affairs in Iowa Territory," *Annals of Iowa* (3rd series), 5:524 (October, 1902).

City *Standard* consoled its readers that the prospects of obtaining at least half of the Sauk and Fox lands in the following summer were very favorable.<sup>55</sup>

After the failure of the treaty attempt, Beach settled down into the normal round of agency activity — fighting the disgruntled traders, striving to remove intruders, and caring for his charges. As in the case of his predecessor, Beach was confronted with two alleged infractions of regulations. Enemies of Beach, before the treaty council, asserted that he was attempting to perpetuate the monopoly of Indian trade among some of the licensed traders, but somewhat contradictorily, he was also accused of issuing licenses to persons who, under the guise of trading with the Indians, were in reality identifying and selecting “the most valuable lands, and making settlements on them with a view of holding them, if they can, on the acquisition of the district by cession from the Indians.”<sup>56</sup> Beach, however, was able to clear himself of the charges by establishing the fact that he had issued two additional licenses both of which were to reputable traders.<sup>57</sup>

Trying to stem the flood of settlers into the Indian country was an impossible task. In his annual report of 1841, the Sauk and Fox Agent noted that “extensive infractions of the Intercourse Act which prohibited surveying, marking of trees, and otherwise designating boundaries in Indian country have been for several months past and are still occurring.”<sup>58</sup> When a detachment of dragoons was made available to eject the intruders from Sauk and Fox lands, Beach suggested destruction of the squatters’ improvements to discourage immediate resettlement, but the advice was largely ignored by the officers of the dragoons.<sup>59</sup>

Annoyances to the Indian Agent by intruders, although continuous, were less serious than the furor caused by the publication in the *Burlington Gazette* on April 30, 1842, of correspondence between Augustus C. Dodge and Joshua Pilcher, recently removed as Superintendent of Indian Affairs at St. Louis. Dodge, casting about for lands in Iowa Territory to which the General Pre-emption Act of 1841 could be applied, found that Pilcher held the convenient opinion “that the Indian title had been fully and fairly

<sup>55</sup> Iowa City *Standard*, Oct. 29, 1841.

<sup>56</sup> Crawford to Chambers, July 24, 1841, R. O. I. A., Letters Sent, 30:465-6.

<sup>57</sup> Beach to Chambers, Aug. 25, 1841, Beach Letterbook, 157-61.

<sup>58</sup> Beach to Chambers, Sept. 1, 1841, *ibid.*, 162-9.

<sup>59</sup> Beach to Commanding Officer, Detachment of Dragoons, Sept. 20, 1841, *ibid.*, 170-71.

extinguished" to the region between the Des Moines River and the northern boundary of Missouri.<sup>60</sup> Although Pilcher was clearly in error, if judged by the statements and actions of all federal officials, the former Superintendent of Indian Affairs at St. Louis based his contentions on the discussions in Washington in 1837, when the Iowa Indians claimed these lands under a treaty of 1825. All that the Sauk and Fox had conceded in the Treaty of 1825 was joint possession with the Iowas of the lands now occupied by the Sauk and Fox in Iowa Territory. Although the Iowa Indians subsequently sold the lands described by Pilcher to the United States, the Sauk and Fox clearly were still in possession of the lands between the Des Moines River, the boundary of Missouri, and the area west of the Purchase of 1837. John C. Spencer, Secretary of War under Tyler, termed the claims of Pilcher and Dodge a "downright absurdity" and charged there was an "utter want of even decent probability for asserting" that the Indian title to the lands in question had been extinguished.<sup>61</sup>

When the news appeared in the *Burlington Gazette*, Beach was forced to move quickly. Gathering the Indians at Hardfish's village he assured the tribesmen that the invasion of settlers was not caused by official actions of the United States government. Much to the Agent's relief, the Indians agreed to remain peaceful. Returning to the Agency, Beach found that "crowds upon crowds are spreading over the country thus as they honestly suppose open for settlement." Acting Governor O. H. W. Stull was requested to issue a proclamation by Beach, urging the settlers to refrain from further movement into the Indian country until a final decision was reached in Washington. Unless something was done quickly, the Agent believed that the Des Moines River valley would be settled as high up as Hardfish's village, whisky introduced, and perhaps blood shed in the Indian country.<sup>62</sup>

The proclamation issued by the Acting Governor of Iowa stated emphatically that the Indian title to the lands south of the Des Moines had not been cleared, and the settlers who had penetrated as high up the Des Moines as the mouth of the White Breast River were so notified by messengers. Apparently the proclamation accomplished its object, because some settlers retreated from the Indian country although Beach thought that the

<sup>60</sup> John C. Spencer to Chambers, May 31, 1842, R. O. I. A., Letters Sent, 32:211-15.

<sup>61</sup> Spencer to Chambers, May 31, 1842, *ibid.*, 32:213-14.

<sup>62</sup> Beach to O. H. W. Stull, Acting Governor of Iowa, May 9, 1842, Beach Letter-book, 211-15.



"more obstinate and adventurous will persevere" until the troops evicted them.<sup>63</sup> These new intruders, combined with the settlers already violating the law, necessitated the use of a military force to clear the Indian lands.

A detachment of dragoons arrived at the Agency about the middle of June, 1842, to remove the settlers. Some of them had planted crops north of the Missouri-Iowa Territory line although a majority of them kept their families south of that boundary. Beach and several of his employees accompanied the troops but found the settlers less numerous than supposed. Still, they burned a considerable number of improvements to prevent their immediate reoccupation when the troops left the vicinity.<sup>64</sup> Thus the incident of the Dodge-Pilcher correspondence ended without further difficulties. Perhaps Dodge undertook this action to gain additional popularity among the frontiersmen, through showing them his interest in their welfare by opening new, fertile land of the Territory for their benefit. Another motive might have been an attempt to convince the federal officials of the necessity of the removal of the Indians from Iowa Territory because of population pressure upon them.

Early in 1842 the Sauk and Fox indicated their willingness to sell their lands or at least a portion of them. Keokuk, Appanoose, and Wapello visited the Agency, with the concurrence of Hardfish, and suggested that a treaty be negotiated in Washington, where "the crowd of half breeds and claimants who surround them begging for presents and the payment of dishonest claims," would not disturb the proceedings.<sup>65</sup> In preparation for removal, which Beach felt would occur if the government did not insist on northern lands as their new home, the lower villages on the Des Moines River were already re-established in the vicinity of the White Breast River. Where the Indians still remained on the lower Des Moines, whisky peddlers plied their trade, and the Sauk and Fox were unable to resist the raids of horse thieves on the pony herds. Only Ewings' trading post near the old settlements kept the Indians there.<sup>66</sup>

During the summer of 1842 the settlers of Iowa became less subtle in expressing their desire for the removal of the Indians from Iowa Territory. Chouteau's old trading post was burned down, and the Agent and the

<sup>63</sup> Beach to Chambers, May 16, 1842, *ibid.*, 218-21.

<sup>64</sup> Beach to Chambers, June 19, 27, 1842, *ibid.*, 225-6, 226-7.

<sup>65</sup> Beach to Chambers, Feb. 26, 1842, *ibid.*, 186-8.

<sup>66</sup> Beach to Chambers, Mar. 4, 1842, *ibid.*, 189-93.

Governor were shot in effigy.<sup>67</sup> Returning from St. Louis, where he had obtained the annuity money, Beach found the mills on Soap Creek destroyed by fire. He knew that the incendiary action was "the undoubted work of some scoundrels in the neighborhood. Indirect threats, intimations have been uttered for some time, that these, and the Agency buildings should be burned."<sup>68</sup>

The pressure of population constantly building up along the Indian boundary and the steadily increasing poverty and indebtedness to the Indian traders manifested to Beach the untenable position of the confederated tribes. In his annual report to the Commissioner of Indian Affairs, Beach reported that the Indians were much more poorly clad than ever before and that many suffered from the want of food. The only article in sufficient supply among the Indians was whisky, the consumption of which appeared to be on the increase, supplied by "the most abandoned and unprincipled wretches." Although exaggerating for effect, Beach made his point when he stated that at the time of his first contact with the Sauk and Fox in 1832, he doubted if a "confirmed or habitual drunkard belonged to their nation, while at this time except when far distant upon their hunting grounds, the whole nation without distinction of rank, or age, or sex exhibits a continual scene of the most revolting intoxication."<sup>69</sup>

Writing to Governor Chambers on August 31, 1842, the Commissioner of Indian Affairs informed him that he had been appointed to represent the United States in a treaty with the Sauk and Fox. Chambers was instructed to seek all the Sauk and Fox lands in Iowa, the purchase price to be a million dollars, representing about ten cents an acre. If it was impossible to obtain all the lands, half of their lands should be bargained for in exchange for five hundred thousand dollars. To prevent exorbitant claims, the Governor was instructed to determine the debts prior to the treaty, but later this portion of the instructions was modified to prevent the traders from jeopardizing the chances of a successful treaty. Half of the traders' claims and the expenses of the mills, schools, shops, gunsmith and building, the Washington officials thought should be paid out of the treaty's purchase money, but it was evident from the instructions that Chambers could compromise on these points if necessary.<sup>70</sup>

<sup>67</sup> Parish, *Chambers*, 179.

<sup>68</sup> Beach to Chambers, Aug. 28, 1842, Beach Letterbook, 237-8.

<sup>69</sup> Beach to Chambers, Sept. 1, 1842, *ibid.*, 238-41.

<sup>70</sup> Crawford to Chambers, Aug. 31, 1842, R. O. I. A., Letters Sent, 32:415-18.

Governor Chambers accomplished his duties successfully. The Sauk and Fox agreed to sell their ten million acres of land in Iowa Territory for eight hundred thousand dollars and payment of the traders' debts. When the Indian traders submitted their schedules of claims, they were rigorously examined by Chambers and his associates who scaled down the fifty-eight claims for \$312,366.24 to \$258,566.34. The Chouteau claim was almost completely validated, Eddy's was approved fully, but Ewings' claim was reduced by about 25 per cent. These three traders received the bulk of the claim money: Pierre Chouteau, Jr., and Company getting \$112,109.47; W. G. and G. W. Ewing, \$66,371.83; and J. P. Eddy and Company \$52,332.78.<sup>71</sup>

Although the Sauk and Fox sold all of their lands in Iowa Territory by the terms of the treaty signed October 11, 1842, they were not forced to move from their lands east of a line running north and south through a site called the Red Rocks near the White Breast River until May, 1843. They were also allowed to remain in the portion of their country west of the above line until October 11, 1845, when it was expected that they would be transferred to some new land set aside for their occupation south of the Missouri River.<sup>72</sup>

Iowans were ready to move into the new purchase as soon as the title was clear. The Bloomington *Herald* reported that "many old farmers of our Territory, whose sons are growing up to the age of manhood, have resolved to sell the farms upon which they now reside, and retire with their families to the new purchase where the avails of their industry will enable them to settle their sons as independent farmers."<sup>73</sup> A correspondent of the *Herald* observed that along the Des Moines River "almost every tree bore the initials of some adventurous pioneer, and by way of indicating to the observer the right to title by which it was to be and would be defended, the representation of a bowie knife, a brace of pistols (crossed at the muzzle), or a rifle was cut in the tree above or below the name of the claimant."<sup>74</sup> Slightly later Beach made a trip over much the same terri-

<sup>71</sup> Parish, *Chambers*, 182; Kappler, *Laws and Treaties*, 2:546-9; Alfred Hebard, "An Indian Treaty and Its Negotiation," *Annals of Iowa* (3rd series), 1:402-406 (April, 1894).

<sup>72</sup> Kappler, *Laws and Treaties*, 2:546-7.

<sup>73</sup> Bloomington *Herald*, Sept. 9, 1842.

<sup>74</sup> *Ibid.*, Oct. 21, 1842.

tory and found no intruders or "claimmakers" but "pens were built and trees blazed in every direction."<sup>75</sup>

Although the Indians expressed a desire to move west of the boundary line to the vicinity of the new agency selected by Beach near the mouth of the Raccoon River, difficulties were encountered. The Indians continued to visit the whisky shops which lined the old boundary, and the degradation of the Indians continued apace. Further, the winter of 1842-1843 had been unusually severe, resulting in the death of two-thirds of the horses belonging to the Sauk and Fox. Even before Beach completed the arrangements for the complete removal of all the Indians, the settlers swarmed into the new lands recently acquired by the United States.<sup>76</sup> Thousands of settlers gathered at the line, and at the stroke of midnight on May 1, 1843, they swarmed across the line. By torchlight, stakes were driven into the prairie, once the land of the Sauk and Fox but now firmly in the possession of the land-hungry agrarians.<sup>77</sup>

In their desire for land the settlers would do battle with government officials in their attempt to pre-empt or occupy a particularly choice site. One of the more favorable locations in the newly ceded district was a farm maintained for the benefit of the Indians and located near the Agency. The Treaty of 1842 provided for the farm's sale for the benefit of the Indians and thus made it unavailable for immediate settlement.<sup>78</sup> Soon after the abandonment of the Agency, settlers began carrying off timber from the farm's wood lot.<sup>79</sup> Threats also were voiced against anyone who would bid more than the minimum price of \$1.25 per acre for the farm's lands. Throughout the summer of 1843, Beach engaged in a verbal battle with settlers over the farm, with the sturdy pioneers advocating the use of "Club Law." Beach was sustained in his action by the Department officials in Washington and firmly maintained his ground even when threatened by one of the trespassers with personal violence.<sup>80</sup> Although the Agent withstood the menacing attitude of the settlers, the sale price did not add

<sup>75</sup> Beach to Chambers, Oct. 25, 1842, Beach Letterbook, 248-51.

<sup>76</sup> Beach to Chambers, Apr. 2, 1843, *ibid.*, 266-8.

<sup>77</sup> Parish, *Chambers*, 185-6.

<sup>78</sup> Kappler, *Laws and Treaties*, 2:547-8.

<sup>79</sup> Beach to Chambers, June 1, 1843, Beach Letterbook, 276-8.

<sup>80</sup> Beach to Chambers, June 28, Aug. n. d., 1843, *ibid.*, 280-82, 289-92.



enormously to the economic stake of the Indians, for the section of land with improvements brought only \$1,514.51.<sup>81</sup>

Conditions hardly improved for the Sauk and Fox during the remainder of 1843. The Indians spread out over the settlements, begging for food and committing occasional depredations. "Women came with tears in their eyes," pleading for food from the Agent. Some of the misery could be accounted for by the curtailment of credit by the traders to the Sauk and Fox.<sup>82</sup> Now that the confederated tribes had sold all their lands and did not have further means to satisfy large traders' debts, the eagerness to extend credit to the Indians was considerably lessened. Certainly, if Governor Chambers' opinion of the traders was only partially true, the regular traders contributed to the injustices heaped upon the Indian. In an impassioned letter to Commissioner of Indian Affairs Crawford, early in 1843, Chambers gave full vent to his emotions and anger against the traders. He indicated that the Commissioner, with his information limited to official sources, possessed an incomplete knowledge of the situation. With high indignation he wrote,<sup>83</sup>

If the vengeance of Heaven is ever inflicted upon man in this life, it seems to me we must yet see some signal evidence of it among these "regular traders." It would be worthy the labors of a casuist to determine whether the wretch who sells a diseased or stolen horse to a poor Indian, or the "regular trader" who sells him goods of no intrinsic value to him at nine hundred per cent advance on the cost, is the greater rascal. . . . I feel painfully the necessity of making the best of things *as they are*, having no power to correct the evils out of which they have grown, and by which they are supported; but I hope to live to see the time in which the necessity of yielding to circumstances will no longer exist, and if so I will certainly endeavor to place some of those "distinguished" gentlemen before the councils of the nation in their true character.

Unfortunately, Chambers would have had to live several lifetimes to see much improvement in the Indian trade — if ever.

By early September, 1843, Beach declared that the Sauk and Fox had moved to the vicinity of the Raccoon River, where the new Agency had

<sup>81</sup> "Letters of Governor John Chambers on Indian Affairs, 1845," *IOWA JOURNAL OF HISTORY AND POLITICS*, 19:285 (April, 1921).

<sup>82</sup> Beach to Chambers, Aug. 8, 1843, Beach Letterbook, 293-5.

<sup>83</sup> Chambers to Crawford, Feb. 24, 1843, in "Indian Affairs in Iowa Territory, 1839-1843," *Annals of Iowa* (3rd series), 5:461-3 (April, 1902).

been established. Half of the Sauk and one band of the Fox built their villages within sight of the Agency; the remaining Sauk within eight miles of the new post. The majority of the Fox were located about fifteen miles from the new buildings of the Agency on the Skunk River and refused to establish their village closer to the Agency because of their jealousy of the Agency band and an aversion to the Des Moines country.<sup>84</sup>

Old problems continued without abatement. "Depraved and debased characters" followed the Indians and "whiskey shops" were more numerous along the new line than along the old. An employee seized two barrels of whisky within a mile of the Agency. On one occasion Hardfish sent an urgent message to Beach requesting him to go to the house of a Mr. Turner, a farmer and forage contractor for the garrison at Fort Des Moines. At Turner's establishment, Beach seized three gallons of whisky, but thirty or forty Indians all drunk indicated that a considerable supply had recently been available.<sup>85</sup>

The annuity payment of 1844 was but a repetition of its predecessors. One particular group drew the condemnation of Beach. "A class also here were very busy who during the winter draw the Indians into the settlements at a distance and after fleecing them of what they have complain of them as troublesome and request their removal. These hover like harpies over a payment, their pockets filled with Indian notes of land and promises to pay. They took off a large amount of money and on starting borrowed a few horses without first obtaining leave."<sup>86</sup>

As the final period of the Sauk and Fox occupation of Iowa Territory drew near, the Indians attempted to delay their removal to the last possible moment. Pleading the weakness of their ponies in the spring of 1845 and objecting to the suggested reservation adjacent to the Kickapoo lands, they did not begin their trek to the present area of Kansas in the fall of that year. Whites, attempting to hold the Indians in Iowa as long as possible, continued to jeopardize the welfare of the Indians. The Agent felt that if the Indians did not remove by the specified date, October 11, 1845, they would be overrun by the onrushing settlers.<sup>87</sup> Beach had good reason for this opinion, because as the Indians prepared for their journey he re-

<sup>84</sup> Beach to Chambers, Sept. 4, 1843, Beach Letterbook, 301-304.

<sup>85</sup> Beach to Chambers, Sept. 4, 1843, Aug. 13, 1844, *ibid.*, 301-304, 335-6.

<sup>86</sup> Beach to Chambers, Sept. 23, 1844, *ibid.*, 341-2.

<sup>87</sup> Beach to Chambers, Mar. 21, May 6, 1845, *ibid.*, 358-9, 361-2.

ported that the countryside around the Des Moines River was swarming with white men who "are encamped and bivoacked around on both sides of the river. These people have neither right nor legitimate business here; and as curiosity does not attract them, many must have come for purposes which are not lawful. The quantities of whiskey brought into Indian country, and the numbers of Indian horses which are stolen at every payment are additional reasons for authorizing this presumption."<sup>88</sup>

Keokuk, the white man's Indian, led the way out of Iowa on September 10, 1845, followed by Hardfish and the remainder of the Sauk a few days later.<sup>89</sup> In one last effort seeking to delay the move, Poweshiek asked for permission to allow the weak and poor to remain in Iowa for the winter, but only those too ill to make the journey were granted this request.<sup>90</sup> Escorted by troops, the Sauk and Fox departed from their native hunting grounds to occupy a reservation in Osage and neighboring counties in Kansas.<sup>91</sup> When his charges were safely on their reservation, John Beach resigned as the Sauk and Fox Indian Agent and returned to Iowa, where he entered the mercantile business in Agency City, Iowa, dying there on August 31, 1874.<sup>92</sup>

In Kansas, their lands were temporarily safe only until the railroads and land speculators, however, forced the Sauk and Fox to move on again. Part of the Fox returned to Tama County, Iowa, where they purchased lands which they occupy today, but the remainder of the Sauk and Fox made their last removal to Indian Territory, now the present state of Oklahoma. Even in this last refuge of the red men, the Sauk and Fox were not safe from the white man's land hunger, because under the Dawes Act the last tribal lands were opened to white settlement in 1891.<sup>93</sup>

Later Sauk and Fox agents had little more success than Beach in check-

<sup>88</sup> Beach to Capt. James Allen, Commanding Officer, Fort Des Moines, Iowa Territory, Sept. 3, 1845, *ibid.*, 382-3.

<sup>89</sup> Beach to Chambers, Sept. 11, 1845, *ibid.*, 385-7. For the services of Keokuk in facilitating the removal of the Sauk and Fox, the United States government presented him with a sword, "one of suitable kind, but not too expensive." Crawford to Thomas H. Harvey, Oct. 21, 1845, R. O. I. A., Letters Sent, 37:195.

<sup>90</sup> Beach to Chambers, Sept. 26, 1845, Beach Letterbook, 388-9.

<sup>91</sup> Beach to Chambers, Oct. 11, 1845, *ibid.*, 390-92; Parish, *Chambers*, 186.

<sup>92</sup> *History of Polk County, Iowa*, 40.

<sup>93</sup> Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854-1890* (Ithaca, New York, 1954); Muriel H. Wright, *A Guide to the Indian Tribes of Oklahoma* (Norman, Okla., 1951), 222-8.

ing the iniquities practiced upon their charges. During the 1850's and 1860's the tribes continually declined in number, and by 1869, when they moved to Indian Territory, only 654 remained on the tribal rolls.<sup>94</sup> As before, whisky-peddlers selling poisonous liquor, bought at twenty cents a gallon and sold for as much as five dollars for the same quantity, abetted the moral and physical decline of these Indians. Frontiersmen in Kansas, as in Iowa, stole timber from the 435,000-acre reservation and encroached upon the vaguely defined boundaries. When in 1859 the advance of the frontier once more caught up to the Sauk and Fox, they ceded all but 153,600 acres of their Kansas lands. Finally, in 1867 the confederated tribes sold the remainder to the national government for one dollar an acre and at the same time agreed to move to a 750-square-mile reservation in Indian Territory.<sup>95</sup>

From the Illinois country to Iowa to Kansas to Indian Territory, the Sauk and Fox retreated before the land-hungry whites, until ultimately they were engulfed by the whites in 1891. The Dawes Act marked the end of the reservations for the Sauk and Fox, "blanket Indians" only a few generations earlier. Now they were placed upon individual allotments of land, but these too, like the reservations, quickly found their way into the possession of the whites. Thus, the Sauk and Fox completed the downward cycle of their decline, speeded on that course by a federal Indian policy which rendered them landless and without hope of being more than wards of the government.

<sup>94</sup> *Report of the Commissioner of Indian Affairs for the year 1869* (Washington, 1869), 362.

<sup>95</sup> Kappler, *Laws and Treaties*, 2:796, 951, 952.



## SOURCE MATERIAL OF IOWA HISTORY

### MAHONY-SMITH LETTERS ON THE DUBUQUE & PACIFIC RAILROAD, 1857

[The usual story of the relations of the public to the railroad promoters in the 1850's is that the people were so eager for railroads that the promoters could get any help they asked for without question. The following exchange of letters between Dennis A. Mahony and Platt Smith, both of Dubuque, indicates that criticism of railroad activities was not unknown in this period. In fact, this is only one of many instances in Iowa newspapers of sharp and caustic attacks on the railroad promoters. Individuals and communities were putting their money into the companies; therefore, they did not hesitate to criticize things they did not like. But even local aid, and the federal land grants that came in 1856, were not enough to build railroads; the promoters had to go East and to Europe for sufficient capital to complete their roads. Criticism along the line of the road was looked on as an unwarranted interference with the railroads' business.]

At Dubuque, two roads were being built by 1857 — the Dubuque & Pacific and the Dubuque Western. The Dubuque & Pacific Railroad had been incorporated by the Iowa General Assembly in 1853 under the sponsorship of Senator George Wallace Jones; Platt Smith, an attorney of Dubuque; Dubuque's mayor, General C. H. Booth; a steamboat captain, Jesse P. Farley; Lucius Langworthy, lead-mining magnate of Dubuque; Colonel Roswell B. Mason, chief engineer of the Illinois Central Railroad; and many others. In 1856 the Dubuque & Pacific had received its share of Iowa's railroad land grant, and by the fall of 1857 the road had been completed across the county to Dyersville. Meanwhile, in 1855 the Dubuque Western Railroad had been incorporated. Using the tracks of the Dubuque & Pacific as far as Farley Junction in Dubuque County, this road planned to build southwestward toward Anamosa.

Both roads had been generously supported by the people of Dubuque County through voting tax aid and special bond issues. Therefore, Dennis A. Mahony, a fiery Irishman of Dubuque, felt justified when he wrote a sharp paragraph of comparison of the two roads (to the detriment of the

Dubuque & Pacific) to the *Dubuque Express and Herald*, a paper he had formerly edited. Platt Smith, attorney for the Dubuque & Pacific, promptly and caustically replied, and the "war" was on. During the following decade Smith would become well known throughout Iowa for his many "letters to the editor," whenever he found criticism of railroads and railroad promoters appearing in newspapers. His was the voice of the railroader. Mahony, one of Iowa's leading Democrats (he would be jailed during the Civil War), was a worthy opponent, expressing the voice of the people.

This series of exchanges ran in the paper from October 31 to November 11; on November 7 the editor of the paper, J. B. Dorr, entered the fray on the side of Mahony. Of more interest to the historian than the actual details of the argument is the attitude expressed on each side: Smith spoke for corporate wealth and the rights of private capital; Mahony and Dorr for the public interest. As such, the letters illustrate a climate of opinion and a conflict of interests which developed with the industrial expansion of the country in the mid-nineteenth century. — EDITOR]

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#### FACTS FOR REFLECTION

We notice, from the Report of the Chief Engineer of the Dubuque Western Railroad, that the cost of constructing the first Division of that Road, from Farley to Anamosa, including station house, station ground, depot, three first class locomotives, four passenger cars and their necessary equipments, is \$20,926 per mile. Contrast this with the price paid by the Dubuque and Pacific Company to Col. Mason, and it will be easy to understand from this and other similar causes why it is that the latter Company is so much in need of money as to call upon the stockholders for aid. If ever bad management damned an enterprise it will be done in the case of the Dubuque and Pacific Railroad. Is there no means by which the lands given to this Company by the State can be made of service to the people of Iowa as was intended? Will the State authorities look indifferently on and see this Company squander the means given it to build the road, upon favorite contractors, trustees, officers, agents, &c. We appeal to the members of the General Assembly elected from this county to interpose in behalf of the people.

*Dubuque Daily Express and Herald*, Oct. 30, 1857.

#### THE DUBUQUE AND PACIFIC RAILROAD

We published an article yesterday reflecting rather disparagingly on the

management of this road. We have no disposition to find fault with that road or its directors, or to make invidious comparisons between it and any other road. — We wish them all the highest prosperity, and if at any time a mistake or erroneous statement is made, we are always ready to correct it.

Mr. P. Smith called upon us yesterday and assured us that the real expense of building the Dubuque and Pacific road west of the grade descending toward the Mississippi, will not be greater than that of any other road; and that the track is now ready for the rails between Dyersville and Manchester, a distance of seventeen miles. This will complete the road in running order *forty-seven* miles from Dubuque. Also that the track is three fourths graded between Manchester and Cedar Falls; and that the Company are using every means in their power for the successful completion of the entire line.

There is no doubt but that an early report of the condition, management, finances, stock, &c., of the road, would be highly advantageous to its interests before the public. We understand that the Directors are now making out a full report of the same, and when it appears, as we learn it will towards the close of the present year, we will be happy to lay before our readers the statistics it will give; or any other information of public interest the Directors should see proper to furnish us.

*Dubuque Daily Express and Herald*, Oct. 31, 1857.

#### DUBUQUE AND PACIFIC RAILROAD AGAIN

*Editor Express & Herald*: I see by an article in your paper this morning that you are willing to correct mistakes in any statements that you may publish in relation to our road. As several mistakes occur in your corrected article, I will avail myself of your offer to set your readers right.

The grading from Dyersville to Manchester is not finished, but nearly so.

The grading from Manchester to Cedar Falls (51 miles) is about one third done.

The contract cost of the first 30 miles from Dubuque to Dyersville is \$1,100,000, which is \$36,666 per mile; this includes building, rolling stock, &c., except fencing and ballasting. No grades to be over 45 feet per mile.

From Dyersville to Cedar Falls, the contract price is \$23,500 per mile.

From Cedar Falls to Fort Dodge, the contract price is \$23,000 per mile; no grades in either to be over 45 feet per mile.

An article published in your paper yesterday morning (written as I have

the best of reasons to believe, by Mr. Mahony) calls attention to the great disparity of cost between the Dubuque Western and the Dubuque and Pacific Roads. He gives the estimate of the engineer of the Western at \$20,926 per mile, and says nothing about the cost of the Dubuque and Pacific; he leaves people to infer that there is a great and unfavorable disparity against the Dubuque and Pacific.

The report of the Dubuque Western, just published, shows that that road is located over a very fine country for constructing a road; that the grades are sixty-six feet to the mile, and that the total cost is, in the language of the report, "Eight hundred and sixty-two thousand two hundred and ten dollars."

"This work (says the report, page 7) is under contract to Lewis Broad for \$516,126 cash, and \$344,084 in the first mortgage bonds of the Company." Divide this total cost by 30, the length in miles of the road, and it gives a cost of \$28,673 per mile.

Mr. Mahony knew this, as he took his figures from the same report; he gives, as the cost of the road per mile, the estimate of the engineer instead of the contract price; he compares that thirty miles of light work, with 66 feet grades, with our thirty miles of heavy work and 45 feet grades.

But the engineer of the Dubuque Western in the same report estimates what is called a cut off route from the upper end of this city to Center Grove via West Dubuque, at \$53,714 per mile, with 90 feet grades. Compare this with the heavy end of our road at \$36,666 and 45 feet grades, it shows that ours is the cheapest and most level, whilst the cut off is the shortest, the steepest and most expensive.

Learned engineers differ as to which is the best route; I will not undertake to settle the point.

Compare the light part of our road with the light part of the Dubuque Western. The case stands thus: The Dubuque and Pacific from Dyersville to Cedar Falls, \$23,500 per mile, without rolling stock, but including buildings, machine shops and an extensive brick engine house at Cedar Falls, together with several very expensive bridges. The difference in the grades, and the more rolling surface through Delaware and Buchanan counties, are items of importance to be considered.

The difference between \$23,500 paid by the Dubuque and Pacific, and \$28,673 paid by the Dubuque Western, is probably accounted for by Mr. Broad's furnishing a small equipment for opening the road.



These roads are both necessary for the prosperity of Dubuque, and in my opinion, it would be a more commendable business to engage in aiding both, than making invidious comparisons, and trying to get up a jealousy between them.

Mr. Mahony calls upon the members elect to the Legislature to pitch into us. He charges mismanagement, &c. Of course he intends to get up a fuss in the Legislature, as he is one of the members elect. He can refer to those articles written by himself as the voice of the "dear people."

Printed petitions were sent in to the members of the Legislature last winter from Galena, charging fraud and mismanagement against this Company.

Mr. M. can refer to these and substantiate his charges. If that will not be enough to embarrass the Company sufficiently in these hard times, he will find a Galena delegation there to swear to the truth of the charge. He will also find members there from Burlington, Keokuk and other places in the South part of the State, already jealous of Dubuque, who will no doubt join in his crusade.

I will say, in conclusion, that the books, contracts, estimates and everything else connected with our office are open to the inspection of the citizens of Dubuque at all times.

The Company has done a large amount of work during the last year, and expect to have at least 40 miles of track down this fall and the remaining portion to Manchester early in the Spring.

When 40 miles of road is completed, the Company will be entitled to sell 230,000 acres of land, which, at \$7 per acre, will amount to \$1,612,800, and will pay for 40 miles of road at the rate of \$42,000 per mile.

The Company have not sold a foot of land, and cannot do so at the present time, except at a ruinous sacrifice.

Money was expected from England, but none has been received, and is not likely to be while these hard times continue.

Many people in this community have done much to sustain and help us along, for which, the officers of the road are truly grateful. We have not been able to place a Depot on every person's ground, nor to please all parties in every particular, if this were undertaken, our railroad could never be built.

I submit to a candid public whether it is honest or fair for our citizens to engage in publishing articles in the newspapers, and making statements

in the street calculated seriously to embarrass an enterprise like ours, that is struggling hard for an existence, unaided from abroad at such a time as this, when the strongest Railroads in the country are compelled to make assignments.

Have not our young Railroad enterprises, and all other kinds of enterprises, and our business men enough to do to keep their heads above water, without being made the subject of assault and misrepresentation by our own citizens.

Mr. Mahony refers to the fact that this Company wants money, that is true, and yet it is no crime. The officers of this Company have not only raised all they could on the credit of the Company, but have raised for the Company all they could get on their personal responsibility; they go without salaries and pay their own expenses, charging no interest for advances to the Company. If Mr. M. had put as much money into this road as some of us, he might want money, too.

These are times that try men's souls. In some respects it reminds one of war. Some come to the rescue openly and manfully. Others lurk in ambush like jackalls and hyenas, near the field of battle, that they may feast and fatten upon the bodies of the slain.

Dubuque, Oct. 31, 1857

PLATT SMITH

*Dubuque Express and Herald*, Nov. 1, 1857.

#### DUBUQUE AND PACIFIC RAILROAD

*Mr. Editor* — The article which I handed you a few days ago in which I contrasted some things connected with the Dubuque Western Railroad and the Dubuque and Pacific Railroad, has drawn out my friend Platt Smith, Esq., in behalf of the Dubuque and Pacific Road. Before going into the merits of the case, I shall dispose of an insinuation and slur contained in Mr. Smith's communication. The insinuation is contained in the following paragraph: "We have not been able to place a depot on every person's ground, nor to please all parties in every particular, &c." Now, the effect aimed at in this language was to convey the impression that I had desired the company to place a depot on *my* ground, and that, being disappointed, I became dissatisfied. This is the inference to be drawn from such language, especially in the connection in which it has been used. And no one could know better than my friend Mr. Smith, who has been connected intimately with the company from the start, that I never asked a favor from the Dubuque and Pacific Railroad company, yet why attempt to convey a

contrary impression. I shall not characterize this course as it seemingly deserves, for I can scarcely believe that it is intentional.

Worse than this, perhaps, is the language with which Mr. Smith closes his communication. I quote it that the reader may the better perceive how much effort he made to make my position, as an objector to the management of the Dubuque and Pacific Road, odious. He says:

"These are times that try men's souls. In some respects it reminds us of war. Some come to the rescue openly and manfully. Others lurk in ambush like jackalls and hyenas, near the field of battle, that they may feast and fatten upon the bodies of the slain."

All I need to say to this is, that when the nobler beasts who now prey upon the substance of the Dubuque and Pacific Railroad shall have satiated their appetites, the prospects of a meal for either hyenas or jackalls will be slim indeed.

Now, I do not hold either of these relations to the Dubuque and Pacific Railroad. I am simply a citizen of Dubuque, and as such, concerned to some extent in the prosperity and success of this enterprise. I have watched its course from the first organization of the company which undertook to construct it, with satisfaction; and I have observed from time to time that some things were done that I thought should not have been done, and other things were not done that, in my opinion, should have been had the interests of the road been made of paramount consideration.

Among the things that should not have been done were the following, among others:

1st. The removal of the depot grounds, donated to the company by a vote of the people of Dubuque, to a more distant point from the business part of the city. The error of this step has been so far acknowledged, and an attempt made to correct it as to have procured a piece of ground near or on the very spot which the company had previously relinquished.

2d. In letting the road on contract to the chief engineer, without affording other parties an opportunity to compete with him for the contract. I care not at what price he undertook to construct it. The directors, had they acted as they would have done for themselves in their ordinary business transactions, would have invited, nay, solicited, competition. But no; for some reason or other, known only to themselves, for they have not deigned to give any information to the stockholders at large, they have contracted the road without reference to there being another railroad con-

tractor in the United States than Col. Mason, a gentleman very competent no doubt to fulfill his engagements.

In this connection, I may as well notice a point made by Mr. Smith, in which he undertakes to show that the construction of the Dubuque and Pacific Road, so far as it has been contracted or constructed, compares favorably with the Dubuque Western, and this I do with out the least intention whatever of being considered in any way identified with the latter more than the former.

To be better understood, I shall quote two paragraphs from Mr. Smith's communication.

"The contract cost of the first thirty miles from Dubuque to Dyersville, is \$1,100,000, which is \$36,666 per mile; this includes building, rolling stock, &c., except fencing and ballasting. No grades to be over 45 feet per mile. . . .

"But the engineer of the Dubuque Western estimates, what is called a cut-off route from the upper end of this city to Center Grove via West Dubuque at \$53,714 per mile, with 90 feet grades. Compare this with the heavy end of our road at \$36,666 and 45 feet grades, it shows that ours is the cheapest and most level, whilst the cut off is the shortest, the steepest and most expensive."

In the first of these paragraphs, Mr. Smith gives the contract price of the Dubuque and Pacific Road to Dyersville, making no distinction between that portion of the Road near Dubuque, where the heavy cutting and grading occurs, and that portion of it which has cost comparatively little, some ten miles at least. Admit that the cut off route on the Dubuque Western Road does cost \$53,714 per mile, for four and ninety-three hundredths miles, the total cost will be about \$268,000. This cut off will reach a point on the Dubuque and Pacific Road, six and twenty-nine hundredths miles from town, which at the price per mile paid for the construction of the whole Division to Dyersville, would amount to over \$230,000. The advantage of this cut off is that it is the more direct and shortest route, its disadvantage is its heavy grade. The advantage of the other route is its comparatively easy grade; its disadvantage is the short, dangerous curves with which I might say, it abounds. Taking the Road at the point of junction with the Dubuque Western, at which point 6.29 miles from town, most of the heavy grading is accomplished. How will Mr. Smith account for the heavy cost of the rest of the road to Dyersville, for be it borne in mind, it



is not the six or seven miles near town alone that has cost \$36,666 per mile, but the whole Division. Had this portion of the Road been let at the same price per mile that either the Western Road or the Second Division of the Dubuque and Pacific Road is let at, the difference in favor of the company would be at least \$300,000 a snug sum of money in these hard times.

This will be enough to show why I have felt that the affairs of this company have been mismanaged by doing what they should not have done.

If this be not satisfactory, I have but to refer to the manner in which optional shares of stock have been disposed of to the animals who control the Stock Board in Wall street.

Among the things that should have been done by the company, to ensure the confidence of the public and the prosperity of the enterprise were

1st. To have made the Directors elective annually, by a vote of the stockholders. Instead of this, the Articles of Incorporation, adopted by a few individuals, provided that the first Board of Directors should hold their office for nearly three years, if I recollect aright, and that vacancies occurring in the mean time should be filled by a vote of the remaining Directors. This *policy* cuts off the stockholders from any control over the action of the directors, and very naturally lessens the confidence and awakens the jealousy, if not the suspicion of the community. Subsequently, as if to disregard entirely the stockholders, when it became necessary, according to the acts of Incorporation to elect a new Board, the notice of the election was given in as brief a time, and as secretly as circumstances would permit. In this respect I *may* not be correct, if so I shall stand corrected.

2d. In not making reports, or even a single report of their proceedings from the date of their organization till the present date — a period of — years. They have gone on from that time to the present, making contracts by the million dollars with a single individual or firm; changing donated depot grounds for others less valuable intrinsically, then and now; disposing of the stock of the company at nominal prices, thus crippling themselves in such a manner that notwithstanding their resources of some 1,300,000 acres of the best land in Iowa, they could not raise a dollar on the credit of the company in the money market. They may attribute this to the hard times that have come upon us, but they should have had their negotiations made before the times caught them in a pinch; and had they not put themselves into the hands of their favorite animals in Wall street, but gone with their stock and bonds to Europe, or sent someone of experience in financial af-

fairs to negotiate for them, they would have been saved the mortification of having their credit protested by the puny Dubuque Western Railroad company.

I have said enough, Mr. Editor, to show why I have made disparaging remarks upon the management of the Dubuque and Pacific Railroad company. I have not done so to embarrass them, but to call them to a more proper sense of the duty they owe to this city and county, than they seem to recognize to be required of them.

The fact is, that the interests of this city have been too much lost sight of in this and other enterprises which were got up ostensibly for the benefit of Dubuque. It was emphatically a Dubuque enterprise. How is it now? Owned, controlled and *directed* in New York. Hugged almost to death by the money Bears of that city, who have to give it but another squeeze and it falls a dead carcass at their feet. If I can do aught, Mr. Editor, either as a citizen of this city, or as a legislator of this State, to prevent the 1,300,000 acres of land donated by the State to aid in the construction of this Road from becoming the prey, either of the Bears of Wall street, or of the Jackalls and Hyenas to whom Mr. Smith alludes, I am not ashamed or afraid to acknowledge that I shall not be sparing of effort to accomplish so desirable an object.

D. A. MAHONY

Dubuque *Daily Express and Herald*, Nov. 3, 1857.

#### DUBUQUE AND PACIFIC RAILROAD

*Mr. Editor:*—Allow me to correct some errors of fact which Mr. Mahony has fallen into in his article this morning, which are calculated to mislead your readers in relation to our road.

First, he complains of a removal of the depot from our first ground, this is true. We had a small triangular piece of ground below and adjoining the Waples cut, containing about three acres, not long enough to stand a long train of cars.

As we usually have fifteen acres, which must not be less than fifteen hundred feet long at an ordinary way station, it seems useless to advise your readers that three acres in a bad shape would not do for Dubuque. We changed this even handed for ten acres, nine hundred feet long on the river front, by about the same length on Main street, this latter was adjoining other grounds which we have purchased, to be used in connection with our ground, so that we now have in all over 40 acres. We claim it as one

of the best trades that we have ever made to swap three acres near the Waples cut that was entirely inadequate, and in bad shape, for ten acres with nine hundred feet front on the main river, where we can change freight with steamboats without drayage. Of all the acts we have ever done, this is the least liable to censure.

Then, after providing ourselves with this ground for a freight depot, we have obtained from the Dubuque Harbor Company a donation of ground for a passenger depot, covering in part the identical ground which we first owned below the Waples cut. But this ground is in a different shape, it is twelve hundred feet long by one hundred and thirty wide, and is in the right shape; it contains more ground than we originally had, with this latter we obtained the right of way between this passenger and the freight depot ground, for a more nominal consideration from the Harbor Company, and of the city free.

We have now more than our original ground in the right shape, at the old place, and the ten acres front on the river, with a back front, if I may be allowed the expression, on Main street, by making two or three trades with very liberal parties, and this is bad management, according to the ideas of Mr. Mahony. I think otherwise.

Next, he finds fault because we let our contract to Col. Mason without giving others an opportunity to bid. Here again Mr. M.'s knowledge of facts is at fault. We advertised for bids for several months in the Railroad journal and several other influential railroad papers, that are usually taken and read by railroad men. Many contractors looked over our profiles, and had a good opportunity to make bids. Colonel Mason offered to take the road on better terms than any one else, that we considered responsible. We let the job to him, and I regret to say that he has lost money by it.

In relation to Mr. Mason's being Chief Engineer, I will only say that he did make a preliminary survey without charge to the Company; that he resigned; Mr. Provoost was appointed in his stead; he made a careful re-survey and estimate before the work was let; that Colonel Mason only bid at the request of the directors, for the reason that no other competent and responsible contractor came forward at reasonable rates after advertising, the letting had to be postponed for a few days in order to get in his bid, which was made at our solicitation.

We are satisfied now that it is the better policy to let jobs of this kind at fair rates to men who have character, who understand the business, than to

let to parties who know nothing of the business, even if they are the lowest bidders — the lowest not always being the best.

As to our electing directors without notice, it is simply not so; the Secretary gave four weeks notice in two newspapers of each annual election, in accordance with the articles, the stockholders very generally voted. Several of the directors with whom the most fault has been found by outside parties, received almost the unanimous vote of all the stockholders voting, and a large majority of all the stock was represented.

As to the charge that a majority of our stock is held in New York, that is another mistake; there is but a small amount held there. More is held in England than in New York, and the same may be said of Boston. A very large majority of the stock is held in Iowa. There is still a chance for those who wish to come in to take stock. As to giving stock options, every person who will buy a thousand dollar bond, has the privilege given him of becoming a stockholder to the amount of five shares, if the bond buyer elects to take the same as other stockholders, though they all hope the land will pay for all the stock in the end.

We have now over five millions of these rights to give out in this manner, to all who will buy bonds. We shall be glad to accommodate all that will come. We will also allow all who choose to subscribe absolutely for stock without buying bonds.

Mr. M. thinks that if we had laid in plenty of money before the hard times came on, that we should not now be in want of money. That is a good idea; but he is too late in getting it out. All other kinds of business might have been saved from much embarrassment if the precaution of laying in a good supply before hand had been adopted.

As to the charge that we have squandered any of the bonds or property of the company, it is groundless. On the other hand, we have obtained large donations of lands and lots at most of the principal stations on the line, in the name of the company, for the benefit of the stockholders.

In some of the principal towns we have more than five hundred lots, obtained in this way. The aggregate value of the lands thus obtained, in addition to the land grant, is more than half a million of dollars. What other board of railroad directors ever did the same thing.

I submit to your readers if Mr. M. had been a stockholder, and as such, had elected some of his model railroad men directors, whether they would not have taken these donations in their own names instead of the name of



the company. This community understand this matter well. We invite citizens and stockholders to come in and look over the books, and the maps of donated land which lay upon our counters. Others are being laid out, and many other maps will be ready for inspection in a few days. See in whose name these lands are held; learn for yourselves whether we have been squandering, [or] whether we have been adding largely to your property.

As to the charge that we have parted with optional stock in New York, I will say that we did sell some options for one dollar a share to parties who represented that they could negotiate many millions of dollars for us. When they failed, we applied to them to return the options, which they did. These are now held, subject to the disposal of the company. There is plenty of stock for all parties who wish to take. People who are disposed can exercise their option to subscribe freely, without paying a cent for it.

Dubuque, Nov. 3, 1857

PLATT SMITH

Dubuque *Daily Express and Herald*, Nov. 4, 1857.

#### DUBUQUE AND PACIFIC RAILROAD

*Mr. Editor:*—The issue between Mr. Smith and myself is narrowed down considerably from the wide range it took at the start. Mr. Smith was silent yesterday morning upon some points raised by me, admitted the truth of others, corrected me in one point, viz: that the Directors advertised the road for contract, but admitted that a preference was given to Col. Mason, owing to his superior knowledge of the business, and his greater responsibility. As Mr. Smith says so, I believe that the letting was advertised, but it is strange to me that when similar charges were made at the time of making the first contract, it was not replied then, as it is now, that the objection was not well founded.

But of what use was it to advertise while the Directors were of the following opinion, as enunciated by Mr. Smith:

“We are satisfied now that it is the better policy to let jobs of this kind at fair rates to men who have character, who understand the business, than to let to parties who know nothing of the business, even if they are the lowest bidders — the lowest not always being the best.”

Mr. Smith takes great credit to the Directors for their trade of lands for depot grounds in this city. I found no fault with their recent course in this respect. What I objected to was their giving three acres of valuable ground for ten acres of much less value; and for removing their depot grounds

farther from the business part of town than the point selected by a vote of the people. The Directors virtually acknowledge the error of their course in this respect, as I have said already, by locating their passenger depot near, or perhaps on, the very ground they had previously swapped away. If it was not wrong, or bad policy to make the trade in the first place, why have they come back to the old ground? I say they have done right to come back, but wrong to have done what they did in the first instance.

So of the optional stock given to the New York trustees, Mr. Smith admits the fact, but alleges that the company have got it back. Well, why get it back, if it was right to have given it away in the first place? Now, what I find fault with in this matter, besides the giving away of the optionals, is the fact that the issue of this optional stock, in the manner and on the terms on which it was done, has proved to have been an obstacle to the negotiation of the company's bonds. Had a different course been pursued, is it not likely, if not almost certain, that the bonds of the company could have been negotiated in Europe, by letting the purchasers have the advantage, or less advantage even, given to the New York Trustees.

I have not charged, as Mr. Smith almost alleges, that the directors have *squandered* the bonds or property of the company. My charge was that they *mismanaged*, not that they squandered; I made no personal issue with the Directors, or either of them, as such, or as private individuals; but as Mr. Smith has gone out of the issue made by me to show what the Directors have done for the road in procuring donations of lands for its benefit, and what they might have done for themselves had they been inclined, I will be pardoned for inquiring whether it is not in the knowledge of Mr. Smith that at least two persons who were Directors of the Company did not profit pecuniarily by purchasing interests in town sites on the first division of the road?

This, I believe, covers all the points left in the issue I have made, viz., that the affairs of the Dubuque and Pacific Railroad Company have been mismanaged, and that in consequence of such mismanagement, the city and county of Dubuque and the people thereof have been the sufferers.

I might go on and show from the records of the County Recorder's office that the Directors of the Dubuque and Pacific Railroad Company bound that company body and limbs to certain trustees; that they not only created them trustees for the sale of the company's bonds, and that they not only mortgaged to them the road and all the paraphernalia thereto belonging,

but all the lands donated to the company by the State; that they gave these trustees or mortgagees the sole and exclusive right to sell these lands, at such price and on such terms and conditions as to them may seem proper; that, in fact, the whole pecuniary administration of the company was transferred to these trustees or mortgagees, with full power to employ such aid and assistance as they may think necessary to aid them in the discharge of the trust, and that but little more than a mere nominal control was retained here in Dubuque of the company's affairs.

I content myself, however, with what I have said. It is for those interested to decide whether I have or not substantiated the charge, or whether Mr. Smith has or not shown the charge to have been without foundation in fact. I abide the verdict.

D. A. MAHONY

*Dubuque Daily Express and Herald*, Nov. 5, 1857.

#### DUBUQUE AND PACIFIC RAILROAD

*Mr. Editor:* — Mr. Mahony asks whether two of our Directors did not buy interests in towns on the first division of our road. I will say that when the first division of our road was laid out, from Dubuque to Dyersville, that the Company had never even thought of procuring lands as donations except for the right of way and depot grounds. That after our road had been laid out some eighteen months Mr. Jesup did buy an interest in Dyersville. Mr. Bissell happened to own a 40 acre tract at Julien, which I believe he owned before the road was surveyed. I suppose that this is what Mr. M. is driving at. It was the present board of Directors that Mr. M. called upon the Legislature to pitch into, and not the ex-directors. I will suggest that as he has been playing the critic and fault-finder for some time, on a very small capital that he had better own up that he does not know much about our company, and especially that he don't know anything against it. That he had better post himself up a little and say something in our favor, but not to begin until he finds out something that is worth writing about. This he can easily do if he [will] first try and cure himself of the habit of faultfinding.

Mr. M. has been speculating on lands along the line of our road, and I presume from the liberal manner in which he criticizes the financiering of others, that he has made a snug pile. I suggest now, as he has never done anything for us, that he shall fork over a part of what he has been the

gainer as the fruits of our labor. — Walk up, Dennis, and be a little more liberal with your money and a little more sparing with your advice.

PLATT SMITH

Dubuque *Daily Express and Herald*, Nov. 6, 1857.

#### DUBUQUE AND PACIFIC RAILROAD BONDS

Mr. Editor: — I notice in the reported sales of stocks given in the New York *Herald*, of the 31st ult., that a number of Dubuque and Pacific Railroad bonds went off, with interest added, at 17. I presume it is pertinent to enquire whether these Bonds were sold by direction of the "New York Trustees," or on private account?

While upon the subject, I will make a suggestion which I hope will be taken as it is meant; it is that the Directors of the Dubuque and Pacific Railroad Company get back the control of these Bonds and lands, and that the instrument by which they have placed themselves at the mercy of a few New York Brokers be abrogated, even if it should be done at a sacrifice.

DUBUQUE

Dubuque *Daily Express and Herald*, Nov. 6, 1857.

#### DUBUQUE AND PACIFIC RAILROAD

During the late absence of the editor of the *Express & Herald* from the city, a controversy sprang up through the columns of our daily, relative to the affairs of the Dubuque and Pacific Railroad Company, between Platt Smith, Esq., Attorney for the road, and D. A. Mahony, Esq., another well known citizen of Dubuque. That controversy has attracted no little attention, as it stirs the public sentiment upon a subject that every individual in [the] community feels is intimately connected with the future welfare and prosperity of the city, as well as the entire country through which that road runs. And in the success and rapid construction of that road, no man feels a deeper interest, or would do more to promote its interests than D. A. Mahony, and nothing is further from the truth than to charge, as Mr. Smith insinuates, that he is any enemy to the project. As Mr. Mahony justly says in a communication in to-day's paper, he was the *early active and persevering friend of the project*. To the Dubuque *Herald*, then under his charge as senior editor, the company is more indebted for the success of their application to the city and county for loans of city and county bonds, which have enabled them to push their enterprise to its present position than to any other public journal. Mr. Smith knows this fact as well as we



do, and he knows, too, the distinction between being an enemy of an enterprise, and opposing real or supposed mismanagement.

This distinction, we well know, is too often lost sight of, as it has been by many persons in this instance, and when a man who has been a warm and devoted friend of a projected road or other enterprise differs in opinion with those who have its control, he is at once set down as an enemy of the project. We recollect well the occasion when the friendship of Mr. Mahony and the Dubuque *Herald* for the Dubuque and Pacific Railroad was called in question. It was when the *Herald* dared to differ with the prominent stockholders, and question the propriety of electing directors for a term of years, and giving to those directors power to fill vacancies in their own body, thus depriving the stockholders for a time, of the power of controlling their own property. If we mistake not, Mr. Smith, for whom we have a sincere friendship, agreed with the *Herald* in that matter and had he, as Attorney for the company possessed the power to vote on the question, would have favored an opposite policy.

At other times, for a similar reason, Mr. Mahony has been charged with enmity to the road, when, so far from that being the fact, he only discharged his duty to the public, by candidly differing with what he considered improper or unwise management of an enterprise in which that public is largely interested.

So much for our friend, to secure him that justice from public sentiment which Mr. Smith and other parties seem disposed to deny him. A few words as to the *Express & Herald* under its present management, and in reply to the assertions frequently made that it is opposed to the Dubuque and Pacific Railroad.

We assert that no man can give the instance or the occasion, or the evidence when *such* opposition was manifested. To question the soundness or wisdom of the measures adopted by the Board of Directors, or to accuse them of selfishness even, is not to oppose the road, or to urge them to a different line of policy, or to the use of different means to secure its construction, is not to oppose the road or its speedy building. If the Directors were believed to be acting unwisely in the management of the trusts reposed in their hands, it shows no wish to oppose the road to tell them of it.

When the grant of land made by Congress to the State of Iowa, was to be disposed of to companies for the construction of the roads, the *Express and Herald* desired to put a condition upon the grant extending from Du-

buque to the Missouri for the purpose of more effectually securing the local interests of the city. That condition was that the road should leave Dubuque at a point not south of Southern Avenue. With this condition, the *Express and Herald* was entirely willing the Dubuque and Pacific Railroad Company should receive the grant of land.

There can be no doubt but that several conditions ought to have been annexed to the grant of land but which were at the time of the extra session of 1856, overlooked.

The differing of opinion and this freedom of speech, is what the Directors of the company choose to deem enmity. So much for this subject.

In the present controversy, in which Mr. Mahony and another gentleman has taken part with Mr. Smith, the latter gentleman has allowed his temper to become ruffled to a degree we could not expect from his usual placidity and dignity of manners.

He is inveterate and severe upon those who dare to *question the doings* of the Board of Directors of the company, or even to *call upon them for explanation*, or still worse, to venture to republish reported sales of their bonds, and enquire upon whose account those sales are made.

Now we care not how much he or any one else may use such terms as "fools," dupes, "jackalls," &c., we return intended incivility by asking if *suspensions and misapprehensions, fears and doubts exist in a community, relative to the mismanagement of the road, if the BOARD OF DIRECTORS HAVE NOT GIVEN ABUNDANT OCCASION for those suspensions and misapprehensions, fears and doubts?*

Have they treated that public, the people for whom they are Trustees, for whom they have been given the management of a great enterprise, with a sufficient consideration?

On the contrary, have they not treated them with an unjustifiable contempt, with a silence and reserve that might well breed suspicion — that might well cause misapprehensions, fears and doubts?

*For over four years, they have conducted the business of the company, in which the tax payers of Dubuque city and county are large stockholders, without furnishing those stockholders with a single report of their doings in a printed form, or indeed any other.*

They have acquired and disposed of property, located and changed the location of their road, negotiated bonds and mortgaged their lands, changed their principal place of doing business, from Dubuque to New York City —

they have issued *secret circulars to private stockholders, withholding them from the people*, who in their corporate capacity own a much larger amount of stock than any individual, they have applied for the use of city bonds, voted by the people to another railroad company. All this has been done, and no report or information of the condition of affairs given to the public.

Lastly, in that secret circular the *stockholders are informed* that only by taking as many bonds of the company as they then held shares of stock and paying for them in the manner proposed, could the company be saved from embarrassment, and its eminently valuable privileges be preserved to the present proprietors of the road.

Now, we ask Mr. Smith whether the Directors themselves, by this neglect, or refusal to publish a report of the condition of the affairs of the company, have not given just occasion for *distrust, suspicion, fears, doubts*, and if misapprehension exists in the community relative to their affairs, have they any fault to find? Does not the blame justly attach to themselves. And have those who wilfully deceive and dupe the public, by withholding information from the people that they have a right to possess, any excuse for crying out against "*fools," dupes, jackalls, and hyenas?*

Again we ask Mr. Smith another question, and for the answer to that as well as those already propounded, we will pause for him to reply.

What does the remarkable sentence in the secret circular, to which we have alluded, signify? It reads as follows: "IN NO OTHER WAY CAN THE COMPANY BE SAVED FROM EMBARRASSMENT AND THE EMINENTLY VALUABLE PRIVILEGES WITH WHICH IT IS ENDOWED BE PRESERVED TO ITS PRESENT PROPRIETORS."

Dubuque *Daily Express and Herald*, Nov. 7, 1857.

#### DUBUQUE AND PACIFIC RAILROAD

*Mr. Editor:* — The conclusion which Mr. Smith has come to, in his discussion with me, on the mismanagement of the Dubuque and Pacific railroad, may be very satisfactory to himself and to the Board of Directors. It is not their fault that I, nor any one else, do not know anything about their doings. They have done as much as they could do to keep things in the dark. Whatever is known of their doings, they could not prevent. If they desired light to be thrown on their actions, they would have spread the facts before the public in the form of a report.

I do not consent to changing the issue I have made from the mismanage-

ment of the Dubuque and Pacific railroad to my personal affairs. With these Mr. Smith has no concern. With the affairs of the Dubuque and Pacific railroad company I have, though not a stockholder at present. It might be inferred from Mr. Smith's last communication that I never did anything for the Dubuque and Pacific railroad. Mr. Smith, at least, knows better than to insinuate anything of the kind. When the road was making its first struggle for existence, and when public opinion in Dubuque was divided upon the propriety of giving the road municipal and corporate aid, and when the press of the city took opposite sides on the question, the *Dubuque Herald*, then partly under my control, went so far in its advocacy of having the city and county take stock, or lend their credit, to aid in the construction of the road, as to have brought on me the displeasure and in some instances, the enmity of personal and political friends of mine for the course I thought it best for the interest of the road to pursue. So it was in every contest in which the interest of the road became a question before the public, I invariably advocated its interests, as is well known to the community, including Mr. S. More than this, as soon as I felt that I could afford to give it pecuniary aid, I took \$5,000 of its stock, and induced friends of mine to take as much more. But when I found how its affairs were mismanaged, especially in the instance of placing the control of its affairs in certain non-resident Trustees, I sold out my pecuniary interest in the concern. I put this statement of facts, which could be made stronger by a recital of circumstances, against the insinuation that I never did anything for the road.

I have ever been the friend of the road, perhaps too ardently and zealously so. If I were not, I would not have troubled myself about it, but have left it to whatever fate might be the consequences of having placed the control of its pecuniary affairs in the hands of a few non-resident Trustees. There are those who can perceive no distinction between the road itself and the administration of its affairs; who measure a person's friendship or enmity towards this road by what he may think or say of how its affairs are, or have been managed. It is useless to reason with such persons as these. According to their notions, the stockholders of a company would prove their hostility to the project in which they might be interested, if they showed any hostility or opposition to the officers who managed its affairs, no matter how grossly they might have abused their trust. My relation to the Dubuque and Pacific railroad is one of friendship, not of hostility.



What I complain of is, that better use, for its benefit has not been made of the means so liberally bestowed upon it by the city and county of Dubuque and State of Iowa. Again, I say, let those interested decide whether this complaint is, or not, well founded.

D. A. MAHONY

*Dubuque Daily Express and Herald*, Nov. 7, 1857.

#### DUBUQUE AND PACIFIC RAILROAD BONDS

*Mr. Editor:* — I will say in answer to a communication in Friday's issue, signed "Dubuque," that the trustees of this Company in New York have none of our bonds in their possession and consequently the sale that he refers to as quoted in the *New York Herald* was certainly not by them. I will further add that I do not know whether the sale was real or pretended, some one who held that amount of bonds may have been hard up and consequently compelled to make the sacrifice. The more probable version of the case is this: That it is what is called a Wall Street operation; that is, there was no sale at all, but only a quotation.

For instance, three Bears, five Jackalls and two Hyenas hold a meeting — these animals you know are always the fattest in times of war or pestilence — they form a combination to make what they call an operation, in a certain kind of stock or bonds in which they have not at present interest of a dollar. In the first place, they put out a great number of contracts for the delivery of a large amount of bonds in sixty days, probably at 75 or 80 cents on the dollar. These contracts being made it is of course to their interest to get bonds to fill the contracts as low as possible. To effect this they commence howling and buying and selling to each other at very low figures — of course the sales are mere "Peter Funk" operations — all that it costs them is the commission to the Auctioneer. This sale will be quoted in the city papers. Most of the reporters of sales do not know whether the sale is real or not; but Jackall No. 1, who is the Editor of the *New York Liar* is in the secret, and shares in the speculation. He commences charging fraud and mismanagement upon the Board of Directors of the Company that issued the bonds. He will parade the figures of the "Peter Funk" sales before the people every day. He will call upon honest people, poor people, people in the country, the mechanics, the widows and orphans who have any of that kind of bonds to rush to the stock Board to take what they can get or they will lose all. The *Liar* will put on an aspect of unusual holiness

sometimes; other papers will be duped and publish these statements who have no part in the speculation.

Poor people, widows and orphans, mechanics and others, who, by hard knocks, have laid up a bond a piece, are sadly frightened. They rush to the city, leave their bonds with a broker, who is one of the gang. They will put them through the Peter Funk shop and secure the title, and they will fill the sixty contracts at 75 cents and make a fine speculation and grow fat upon the misery of their dupes. These are the kind of chaps that love the dear people. They like them the same as the Cannibals of Cape Horn love the Missionaries — they like the fattest the best.

But there must always be a fool in a play. The biggest fools that figure in these plays are those who help howl and get no share in the plunder. Those who are duped into repeating and re-publishing the articles of the New York *Liar* without pay.

We have disposed of no bonds for less than 75 cents on the dollar, and the trustees have none of our bonds in their hands to dispose of. I suspect the quotation of being a Peter Funk operation.

You know, Mr. Editor, that the above is a correct sketch of a Wall Street operation. I have no doubt but your correspondent, "Dubuque," honestly supposed that something was wrong, and that he intended to set matters right. But the poorest business that you can lend your columns to, is to help to cry down our enterprises here, by repeating Peter Funk quotations or other incendiary articles without pay. If the animals will pay and you love the root of all evil better than the prosperity of our enterprises, then go ahead. But I believe the motives of yourself and correspondent were good, but that the effect is to give aid and comfort to the animals without pay. If you will watch the New York *Liar* you will see the article signed Dubuque, quoted, to show that our road is about done up, that the bonds are worth nothing. Every stab you will give us will make the animals chuckle and laugh in their sleeves.

PLATT SMITH

Dubuque *Daily Express and Herald*, Nov. 8, 1857.

#### COURTESY AND DISCOURTESY

Platt Smith, Esq., and such Directors of the Dubuque and Pacific Rail Road Company as he represents, are informed that so long as we continue to control the columns of the *Express & Herald* so long will they be untrammelled and open to discussion of all and any subjects touching the

interests of the people of Dubuque City, County, and of the State, and no efforts to *browbeat, gag, abuse or villify* the editor, or any person who resorts to our columns, will be successful in forcing that silence which will suit his policy, but does not accord with our ideas of the duty and freedom of the press.

In allowing Mr. Mahony the use of our columns for the purpose of discussing the management of the affairs of the Dubuque and Pacific Rail Road, we have extended to him a courtesy and a right to which he and every other respectable citizen is entitled. The same privilege has been accorded to Mr. Smith.

But while Mr. Mahony has used this privilege in a proper manner, *our courtesy* to Mr. Smith has been met with *discourtesy* on his part.

Not contented to discuss the question between Mr. Mahony and himself, he attempts to abuse the editor and the paper, intimates that improper influences have operated to make both hostile to the D. & P. R. R., and then wipes out the imputation by saying that "*he believes the motives of*" the editor and correspondent "*both good.*" We shall not be disturbed by this *false and ungentlemanly* imputation, but leave the public to judge who is *most likely to act from improper motives or misrepresent facts*, the editor of the *Express & Herald*, who has no interest in the matter separate from the great mass of the people, or Mr. Smith, who is the paid Attorney of the Company.

Another thing Mr. Smith must allow us to say, that the arrogant tone of his communications, as well as the uncalled for displays of temper in them, are confessions of weakness on his part sufficient to refute all his assertions against the paper.

And they tell as powerfully against his assertion that there has been no mismanagement of the affairs of his railroad company; for the natural conclusion is, that such exhibitions of anger can only proceed from nervousness induced by a knowledge of facts unfavorable to the Directors.

Mr. Smith seems to think that when a railroad company have once secured the loan of city and county bonds, that their whole duty to the public is discharged, and that it is *impudent* for a citizen to inquire into what they are doing and the manner in which they are doing it, and he assumes that every such inquiry is a stab at the company.

He is at perfect liberty to enjoy this opinion as much as he pleases; but if the Directors had chosen to treat the public with that consideration

which their obligations to that public require, it is highly probable, if the condition of the affairs of the company are as he asserts, that no inquiries, such as he objects to, would have been made. But they have treated the people who have generously voted them the bonds of the city and county, with arrogance and discourtesy, and they cannot expect such a course to breed confidence or respect.

Dubuque *Daily Express and Herald*, Nov. 10, 1857.

AN AMUSING LETTER FROM THE ATTORNEY OF THE D. & P. R. R. CO.

We publish the following letter for the purpose of showing our readers all the arguments in behalf of the policy of the Directors of the D. & P. R. R. Co., and lest they may charge us with having suppressed an important document. The Directors and Mr. Smith must pardon us for treating them very pleasantly and not getting angry at any of the hard names and harder insinuations his communications abound in. He must pardon us, too, for doubting his sincerity when he says he presumes the censure of the *Express & Herald* is as beneficial as its praise, for had this been his deliberate opinion he would not have allowed a discussion of the management of the affairs of the Company to so completely upset his equanimity, nor would he have displayed such temper and weakness. We must also call attention to the fact of the acknowledgment which Mr. Smith makes that the intimation of "embarrassment" and loss of "valuable privileges" in the secret circular was only a sort of scare-crow to frighten the stockholders into raising more money. Now won't Mr. Smith tell us if this is not an operation of the "bull and bear" order, whose modes of raising the wind he so graphically and pathetically described in Sunday's *Express & Herald*.

The answer to our question, "what did the secret circular mean?" is fully answered by this acknowledgment.

Mr. Smith winds up his funny letter by saying that he is afraid the devil will have too much friendship for the road and claim to be the original getter up of the project. We do not unite in his fears on this point, for while the road was supposed to be built for Christians, it has ever been a popular belief that between Attorneys, Railroad Directors and his Satanic majesty most cordial relations always exist:

Mr. Editor:—I notice in your issue of the 7th inst., that both yourself and Mr. Mahony profess to be particular friends of the Dubuque and Pacific Railroad. I suppose that this is really the fact, though a stranger



might be a little puzzled to understand it; but candidly, I presume your censure is quite as beneficial as your praise, and by this mode of reasoning, you are proved an ardent friend of the road.

In relation to the secret circular to the private stockholders, about which you feel so deep a concern, I will say that when we ascertained that we could get no money for the present from England, we did issue a circular to the private stockholders, asking them to raise money to carry on the enterprise. In the circular there was an intimation that embarrassment would ensue, and that the valuable property of the company could not be preserved to the present proprietors unless means could be raised to prosecute the work. You ask me, in particular, what this means. Well sir, as you are a friend of the road, I suppose it is right that you should know, and I will tell you.

Sec. 8 of the act making the grant of lands to our company, provides that we shall hold all land on condition that at least 75 miles of the road shall be built by the first day of December, 1860, and 30 miles each year thereafter. Hence it was plain that if means could not be obtained we must lose our valuable grant. We needed iron to lay our track to Manchester, and money to pay for the grading. But you say this circular was not to the people, the city and the county. That is true. We knew that neither the city, nor county, nor people in general would furnish the desired amount. If we had made such an appeal to the city and county, our friends would have conjured up a ghost, with a raw head and bloody bones, that would have been more than a phantom.

We issued the circular to the private stockholders without regard to their locality, though we did not expect much present relief at Dubuque. The firm of C. B. Raymond & Co., iron dealers in New York, responded to the call, and furnished us iron to lay the track from Dyersville to Manchester, at \$46.50 per ton, and took their pay in bonds at 75 cents on the dollar. They loaned the contractors fifty thousand dollars in money, and performed several other little acts of that kind of friendship for the enterprise, that is known as material aid. C. B. Raymond is one of those horrible trustees, of whom Mr. Mahony and yourself have such a holy horror; he is a young man, but an old fashioned gentleman. The firm holds one hundred and fifty thousand dollars of our stock, full paid, for which they paid the money. Mr. Sterns, the partner, is a director in this road, and is in every respect worthy to be the partner of Mr. Raymond. I might go on

and show you how other gentlemen who are stockholders imitated the example of these gentlemen, and how little they are worthy of the wholesale abuse that is lavished upon them; but it is not necessary, suffice it to say that we hope not to forfeit our valuable grant. If either the city or county or any stockholder or citizen feels slighted because we did not call upon them for money, let them come up now, there is plenty of stock and plenty of bonds. We have advertised these facts to the world in another circular, that has been strewn broadcast over the country, containing a statement of our affairs, prospects, &c. during the last summer. The same information is contained in a pamphlet gotten up jointly by the company and the trustees. This pamphlet contains a full statement and history of the company, its lands, prospects, &c.; thousands of copies were distributed here last spring.

This controversy is assuming a very formidable character. You enumerate yourself, Mr. Mahony, and another well known gentleman on one side, and myself on the other. All claim to be friends of myself and the road. Well, who next? Is there any more of the same sort about the shop? I do not know of any unless your devil joins the army. If he does, of course he will be perfectly friendly to the road; and I am afraid he will claim to be the original getter up of the whole scheme; things begin to look that way. If you will quit, you may go and get a new hat on my account.

PLATT SMITH

Dubuque *Daily Express and Herald*, Nov. 11, 1857.

## HISTORICAL ACTIVITIES

### *State Historical Society of Iowa*

The Society added 115 new members during July, August, and September. The following were enrolled as Life Members during this period: Leo Brown, Marengo; L. Call Dickinson, Des Moines; Fred J. Glueck, Davenport; George B. Hartman, Ames; Mrs. R. S. Johnston, Columbus City; Mrs. Herbert B. Lage, Bettendorf; Guy E. Mack, Storm Lake; Mrs. Raleigh R. Snyder, Des Moines; Dr. Charles S. Stoakes, Lime Springs; Mrs. G. M. Foster, Ottumwa; and Mrs. R. M. Schwyhart, Honolulu, Hawaii.

Dr. Vivian K. McLarty has joined the staff of the Society as research associate and reference librarian. Dr. McLarty received her Ph. D. degree in history from the University of Illinois, and has taught at the Mississippi State College for Women, the University of Illinois, and Stephens College. For the past eight years she was copy editor for the *State Historical Society of Missouri*, where she contributed articles to the *Missouri Historical Review*.

On September 14 some 100 members of the Society participated in a Missouri River cruise from North Omaha to Plattsmouth, Nebraska, aboard the *Patrick Gass*. Eleven members of the United States Corps of Engineers, headed by Col. T. J. Hayes, were also in the party.

Superintendent William J. Petersen has been appointed by Governor Leo A. Hoegh as one of three ex-officio members of the Mississippi River Parkway Planning Commission. Other members appointed by the Governor were Robert Beck of Centerville, chairman of the State Highway Commission; and John R. Fitzsimmons, head of the department of landscape architecture of Iowa State College at Ames.

#### SUPERINTENDENT'S CALENDAR

July 6	Attended Kate Shelley Memorial Services at Boone.
July 7-8	Ran two Mississippi River tours aboard the <i>Addie Mae</i> for Society members.
July 14-15	Attended Commodore O. D. Collis' complimentary trip

- on the *Rob Roy III* for curators of the Society, state officials, and members of the General Assembly.
- July 27-28      Attended Governor's Day at Clear Lake.
- July 30          Addressed Muscatine Rotary Club.
- August 29       Attended State Day at Iowa State Fair and met with Iowa Constitutional Centennial Committee.
- September 8-9   Attended Iowa Daily Press Association meeting in Des Moines and spoke on the Society's Centennial Building.
- September 12   Addressed the state meeting of the Iowa Federation of Women's Clubs on the Society's Centennial Building.
- September 14   Conducted tour on the Missouri River with the United States Engineers and 100 Society members.
- September 21   Attended the National Field Days at Colfax.
- September 22   Addressed the Mississippi River Parkway Commission at Davenport.

### *Iowa Historical Activities*

On September 3, 1857, the present constitution of Iowa was adopted. A special legislative committee, with State Senator D. C. Nolan of Iowa City as its chairman, has designated the week of March 3-9, 1957, as Constitution Week, in commemoration of this event. Other members of the committee are: Senators Henry E. Heideman of Rockwell City, Earl Elijah of Clarence, J. C. Lucas of Madrid, and Arnold Utzig of Dubuque; State Representatives Edward J. Steers of Creston, Scott Swisher of Iowa City, A. L. Mensing of Lowden, Fred Voigtmann of Marengo, and Paul M. Walter of Union. William J. Petersen, superintendent of the State Historical Society, is secretary of the committee.

Ferdinand Carstens of Durant, a rural mail carrier for fifty years, has presented his first mail wagon, which he drove for fifteen years, to the Davenport Public Museum. The wagon was built fifty years ago by Frank Jones of Durant and is still in good condition. Mr. Carstens has had offers from the Smithsonian Institution for the wagon, but he wants it to stay in Scott County, and for that reason has presented it to the Davenport Museum.

The August meeting of the Guthrie County Historical Society was de-



voted to the theme, "Changes in Guthrie County Homes, 1851-1956." Mrs. Gertie Bokirk was in charge of the program.

The Grout Museum at Waterloo was dedicated on August 30. The Museum, built with a fund left by the late Henry W. Grout, to "create and maintain interest in historical items of local usage," contains original geological, anthropological, and historical collections in addition to reproductions of famous American documents and a library and planetarium. It will be open to the public without charge from 2 to 5 p. m., Tuesday through Friday, and from 10 a. m. to 4 p. m. on Saturday.

Mrs. A. W. McCaullum of San Diego, California, has given the Osceola County Historical Society a fund with which to build a museum at Sibley in honor of her late husband, who was the son of D. D. McCaullum, one of the first district judges of the area. The museum will be erected in the City Park at Sibley.

Iowa towns celebrating centennials this year are: Peterson, August 15-16; Dayton, August 31-September 1; Prairie City, August 14; Belmond, August 9-12; Fertile, August 3-6; Pulaski, week of July 30; Greenfield, September 22-24.

Mrs. Clarence Chamberlain spoke to the August 20 meeting of the Marion County Historical Society on "The Obituary of Coalport," a former mining town of Marion County. Her address was published in the August 30 issue of the *Knoxville Express*. At previous meetings of the Marion County Historical Society, Celia Harvey of Knoxville spoke on "Red Rock Through the Years," and Ralph Spear spoke on the growth and development of the electrical industry in the county. Their papers appeared in the July 26 and August 9 issues of the *Knoxville Express*.

Mrs. Charles O. Briggs of Red Oak has contributed her late husband's collection of relics of World War I as a nucleus for an historical display at Red Oak. The collection is now housed in the soldiers' and sailors' relief office, in charge of Oscar Wenstrand. Plans are under way for a permanent historical society home for the collection and for other items being contributed by Red Oak citizens.

The Jacksonville Township Historical Society of Chickasaw County has undertaken to restore the abandoned Town Cemetery in which many of

the pioneers of the township are buried. The chairman of the Society is Mrs. S. B. Leichtman.

A 200-page book on the "History of Rippey" in Greene County is being published and will be sold at \$5.00, with any profits above publication costs being turned over to some worthy cause in the Rippey vicinity. Orders for the book can be placed with either of the two banks at Rippey. The late Miss Hazel Drake, Mr. and Mrs. Claude Johnson, and Mrs. Glen Grow were in charge of the compilation of the book.

An organizational meeting of those interested in forming a permanent society for the preservation of historic buildings in Iowa met on October 8 at the Governor's Mansion in Des Moines. The temporary organization was headed by Msgr. M. M. Hoffman of Dyersville.

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